00103948

BOMBAY BRANCH
OF THE
ROYAL ASIATIC SOCIETY.
TOWN HALL, BOMBAY.

NATIONAL ARCHIVES OF INDIA

Digitized with financial assistance from
NSDL
Technology, Trust & Reach
on 16 November, 2018

NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

GENERAL RULES AND ORDERS

MADE UNDER

ENACTMENTS

IN FORCE IN

BRITISH INDIA

CONSISTING OF

PART I.

General Rules, Proclamations and Notifications made under Statutes relating to India

AND

PART II.

General Rules and Orders made under General Acts of the Governor General in Council; with an Index.

(IN THREE VOLUMES.)

VOLUME I.

(Containing Part I and Rules under Acts from 1841 to 1882 in Part II.)

103948
ac
ROYAL ASIATIC SOCIETY
BOMBAY BRANCH OF THE
EE-71-46

CALCUTTA:
OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRINTING, INDIA.
1907.

Indian Price, Five Rupees.
English Price, Seven shillings and six pence.

NATIONAL ARCHIVES OF INDIA

349.54,
Gnd/G-2
103948

CALCUTTA:
GOVERNMENT OF INDIA CENTRAL PRINTING OFFICE,
8, HASTINGS STREET.

00103948

NATIONAL ARCHIVES OF INDIA

GENERAL STATUTORY RULES AND ORDERS.

NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

PREFACE.

THESE volumes contain all the rules, orders and notifications issued under the authority of the Governor General in Council under Statutes and General Acts of the Governor General applying to the whole of British India, which are now in force with the exception of orders of a temporary or personal nature.

2. In reprinting them an endeavour has been made to incorporate all amendments and modifications made in them by subsequent notifications. References to these notifications are given in foot-notes *in loco*.

3. Lists of these Rules and Orders and also of Orders in Council under Statutes relating to India have for some years past been issued periodically by the Legislative Department. Such of the latter Orders, as are included in Part I of those Lists, have not been republished here. They consist principally of Extradition Treaties and Conventions and Orders under the English Foreign Jurisdiction and Merchant Shipping Acts, which are seldom needed for reference in India, and are readily accessible to those who require to refer to them in the Statutory Rules and Orders or the Statutory Rules and Orders Revised.

4. Certain Orders of the Crown and Orders of the Secretary of State which are of direct or special importance to India and are included in Part II of the lists referred to above, have been included in the present compilation. Instances of these are the Letters Patent of the Chartered High Courts and the regulations made under the Naturalization Acts. Apart from these, the orders included are those of the Governor General in Council.

NATIONAL ARCHIVES OF INDIA

5. The order in which they have been arranged is the chronological order of the Statutes or Acts of the Governor General in Council under which they were issued.

6. An Index to these Rules and the Orders in Council noted in the List published separately by the Legislative Department has been placed at the end of the last Volume of this Collection.

G. R. RIDGE,

Personal Assistant to the
Secretary to the Government of India,
Legislative Department.

CALCUTTA :
The 21st February, 1907.

NATIONAL ARCHIVES OF INDIA

GENERAL RULES AND ORDERS

UNDER

ENACTMENTS

IN FORCE IN

BRITISH INDIA.

PART I.

General Rules, Proclamations and Notifications made under Statutes relating to India.

THE GOVERNMENT OF INDIA ACT, 1854 (17 AND 18 VICT., C. 77).

Creation of the North-West Frontier Province.

No. 5780-P., dated the 25th October, 1901.—Whereas the following territories, that is to say, the districts of Peshawar, Kohat and Hazara (as altered by the Notification of the Punjab Government,[2] No. 994, dated the 17th October, 1901), the Bannu and Marwat Tahsils of the district of Bannu, and the Tank, Dera Ismail Khan and Kulachi Tahsils of the district of Dera Ismail Khan (as altered by the Notifications of the Punjab Government,[2] Nos. 992 and 993, dated the 17th October, 1901), are part of the dominions of His Majesty the King, Emperor of India:

And whereas it is expedient that the said territories, which are now under the administration of the Lieutenant-Governor of the Punjab, should be formed into a separate Province and constituted a Chief Commissionership under the administration of a Chief Commissioner:

KNOW ALL MEN, AND IT IS HEREBY PROCLAIMED, that His Excellency the Viceroy and Governor General of India in Council, in exercise of the powers conferred by section 3 of the [3]Government of India Act, 1854 (17 & 18 Vict., c. 77), and with the sanction and approbation of the Secretary of State for India, is pleased hereby to take the said territories under his immediate authority and management on and with effect from the ninth day of November, 1901, and further to direct that, on and with effect from the said ninth day of November, 1901, the said territories shall be formed into a separate Province and

[1] As to Rules and Orders under Statutes, *see* note in Preface.
[2] Punjab Gazette, 1901, Part I, pages 1096 and 1097.
[3] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1854 (17 AND 18 VICT., C. 77)—*concld.*

Creation of the North-West Frontier Province—*concld.*

constituted a Chief Commissionership, to be called the Chief Commissionership of the North-West Frontier Province and to be administered by a Chief Commissioner.

[*See* Gazette of India, 1901, Pt. I, p. 857.]

Transfer of Naranji village from the Punjab to the North-West Frontier Province.

No. 2104-F., dated the 6th August, 1902.—Whereas the village of Naranji in the Sanghar Tahsil of the Dera Ghazi Khan District is part of the dominions of His Majesty the King, Emperor of India:

And whereas it is expedient that the said village, which is now under the administration of the Lieutenant-Governor of the Punjab, should be placed under the administration of the Chief Commissioner of the North-West Frontier Province:

KNOW ALL MEN, AND IT IS HEREBY PROCLAIMED, that His Excellency the Viceroy and Governor General of India in Council, in exercise of the powers conferred by section 3 of the Government of India Act, 1854 (17 & 18 Vict., c. 77[1]), and with the sanction and approbation of the Secretary of State for India, is pleased hereby to take the said territories under his immediate authority and management on and with effect from the 6th day of August, 1902, and further to direct that, on and with effect from the said 6th day of August, 1902, the said village shall form part of the Kulachi Tahsil of the Dera Ismail Khan District of the North-West Frontier Province.

[*See* Gazette of India, 1902, Pt. I, p. 575.]

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1858 (21 AND 22 VICT., C. 106).

Warrants for payment of money out of Indian revenues.

Order, dated the 27th August, 1860.—Whereas by the Act of the session of Parliament of the 21st and 22nd years of Her Majesty's reign (chapter 106)[1] intituled "An Act for the better government of India," it was enacted (amongst other things) that the regulations and practice then acted on by the Court of Directors on the issue of warrants or authorities for the payment of money should be maintained and acted on by the Secretary of State for India in Council under the said Act, until the same should be altered by the authority of Her Majesty in Council:

And whereas it has seemed to Her Majesty by and with the advice of Her Privy Council to be expedient to alter the said regulations and practice in the manner and to the extent hereinafter mentioned:

Now, therefore, Her Majesty by virtue of the powers in this behalf by the said Act in her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

When authority has been given by the Secretary of State for India in Council for any grant or allowance, or for incurring any other expenditure out of the revenues of India, payment may be made on account of such grants or allowances and for meeting such expenditure (but in no case exceeding the limits fixed by such authority) under the directions of the Accountant-General on the establishment of the Secretary of State for India in Council by means of cheques or otherwise as by law provided.

And the Right Honourable Sir Charles Wood, Baronet, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

[*See* Statutory Rules and Orders Revised, Vol. IV, p. 135.]

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67).

Rules for the conduct of the Legislative Business of the Council of the Governor General.

No. 3, dated the 5th February, 1897.—The following Rules for the conduct of Legislative Business of the Council of the Governor General of India which were made by the Council of the Governor General assembled for the purpose of making Laws and Regulations at the meeting held on the fourth day of February 1897, and received the assent of His Excellency the Governor General on the same day, are hereby promulgated for general information :—

I.—Preliminary.

1. These Rules supersede the Rules for the Conduct of Business at the meetings of the Council made on the 11th day of February, 1873, and the 16th day of February, 1883.

2. In these Rules—

"Council" means the Council of the Governor General of India assembled for the purpose of making Laws and Regulations :

"President" means the Governor General or (during the time of his visit to any part of India unaccompanied by his Council) the President nominated by the Governor General in Council, under the [1]Indian Councils Act, 1861, section 6 ; or, in the absence of both the Governor General and the President so nominated, the senior Ordinary Member of Council present and presiding : 24 & 25 Vict., c. 67.

"Member" means a Member of the Council, whether ordinary, extraordinary or additional :

"Secretary" means the Secretary to the Government of India in the Legislative Department, and includes the Deputy Secretary and every person for the time being exercising the functions of the Secretary : and

"Local Government" includes a Chief Commissioner.

II.—Meetings of the Council.

3. The Council shall ordinarily meet at 11 A.M., and shall not prolong its sitting after 4 P.M, unless the President otherwise directs.

4. The quorum shall be seven, including the President.

5. The Governor or Lieutenant-Governor and the Law Member shall sit where the President may direct.

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

II.—Meetings of the Council—contd.

Subject to any such direction, the Members shall sit in the following order, beginning from the right of the President :—

(1) The Commander-in-Chief.

(2) The Ordinary Members according to seniority.

(3) The Additional Members according to seniority.

6. The President may adjourn, without any discussion or vote, any meeting or business, whether there be a quorum present or not, to any future day, or to any hour of the same day.

7. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.

8. A Member desiring to make any observations on any subject before the Council shall address the President without rising from his chair.

9. On all matters brought before the Council, after the Member who makes a motion has spoken, each Member consecutively, beginning with the Member on the left of the President, may make such observations as he thinks proper. The Law Member, however, may speak according to the position of the seat he would occupy if he sat in order of seniority and not according to the seat he may occupy at the Council table under rule 5.

After all the Members in turn have had an opportunity of speaking, the Mover may speak once by way of reply, and any other Member may, with the permission of the President, speak once by way of explanation:

Provided that, if the matter be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the Move of the amendment.

10. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member has occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

11. Any Member may speak at the request and on behalf of another Member who is unable to express himself in English.

12. On every motion before the Council, the question shall be put by the President, and shall be decided by a majority of votes.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

II.—Meetings of the Council—contd.

In case of a division, the votes shall be taken by the Secretary in consecutive order, beginning with the Member on the left of the President.

After the question is put, no further discussion upon it shall be allowed.

13. Any Member may ask for any papers or returns connected with any Bill before the Council. The President shall determine, either at the time or at the Meeting of the Council next following, whether the papers or returns asked for can be given.

14. Communications on matters connected with any Bill before the Council may be addressed, either in the form of a petition to the Governor General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily, such communications will not be answered.

Except in the case of the High Court at Fort William, such communications shall ordinarily be sent through the Local Government.

15. The Secretary shall either cause such communications to be printed and send a copy to each Member, or circulate them for the perusal of each Member.

III.—Introduction and publication of Bills.

16. Any Member desiring to move for leave to introduce a Bill in accordance with the provisions of section 19 of the Indian Councils Act, 1861, shall give the Secretary at least three days' previous notice of the title and object of the Bill.

If such motion be carried, the Bill with a full Statement of Objects and Reasons shall, if not already prepared, be prepared by the Member or (if he so desire) by the Secretary in consultation with the Member.

17. The Secretary shall then cause the Bill, together with the Statement of Objects and Reasons, to be printed, and shall send a copy to each Member.

If any of the Members are unacquainted with English, he shall also, if requested, cause the Bill and the Statement of Objects and Reasons to be translated into Hindustani for their use.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

III.—Introduction and publication of Bills—contd.

18. The Council may, at any time after leave to introduce a Bill has been granted, direct that the Bill be published in such manner as the Council thinks fit.

19. When a Bill is introduced, or on some subsequent occasion, the Member in charge of it shall make one or more of the following motions:—

(*a*) that it be referred to a Select Committee, or

(*b*) that it be taken into consideration by the Council, either at once or at some future day to be then mentioned, or

(*c*) that it be circulated for the purpose of eliciting opinion thereon.

20. No such motion shall be made until after a copy of the Bill and a copy of the Statement of Objects and Reasons have been furnished to each Member. Any Member may object to the motion unless such copies have been furnished to him at least seven days previously: and such objection shall prevail unless the President, in exercise of his power to suspend any of these Rules, allows the motion to be made.

21. On the day on which such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed.

22. When any motion mentioned in rule 19 is carried, the Bill shall, together with a Statement of its Objects and Reasons, if not already published on a motion under rule 18, be published in English in the Gazette of India.

The Bill and Statement shall also, if publication has not already been directed, be published in such official Gazettes and in such vernacular languages (if any) as the Council in each case decides to be necessary for the purpose of giving notice to the communities affected by the Bill.

For this purpose, the Council shall make an order at the Meeting at which such motion is carried, and may from time to time, on the motion of any Member, vary or cancel such order.

23. The Governor General, if he see fit, may order the publication of a Bill, together with the Statement of Objects and Reasons which accompanies it, in such Gazettes and languages as he thinks necessary, although no motion has been made for leave to introduce the Bill.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

III.—Introduction and publication of Bills—concld.

In that case it shall not be necessary to move for leave to introduce the Bill; and, if the Bill be afterwards introduced, it shall not be necessary to publish it again.

IV.—Select Committees.

24. The Law Member shall be a Member of every Select Committee.

The other Members of every Committee shall be named by the Council when the Bill is referred, or at any subsequent Meeting.

The Law Member and, in his absence, the Member in charge of the Bill, shall be chairman of the Committee, and, in the case of an equality of votes, the chairman shall have a second or casting vote.

25. After publication of a Bill in the Gazette of India, the Select Committee to which the Bill may have been referred shall make a report thereon.

Such report shall be made not sooner than three months from the date of the first publication in the Gazette of India, unless the Council orders the report to be made sooner.

Reports may be either preliminary or final.

The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require re-publication, whether the publication ordered by these Rules or by the Council has taken place, and the date on which the publication has taken place, or, where publication in more than one Gazette or in more than one language is ordered, the date on which the publication in each such Gazette and each such language has taken place.

If, in the judgment of the Committee, the Bill has been so altered as to require re-publication, the Secretary shall send a copy of the altered Bill to the Secretary of the Department to which it pertains.

When the Committee recommend the re-publication of a Bill which was originally ordered by these Rules or by the Council to be published in more than one Gazette or in more than one language, they shall, in the absence of anything to the contrary in their report, be taken to recommend that the Bill be re-published in every such Gazette and every such language.

If the Committee are of opinion that it is unnecessary to re-publish the Bill in any such Gazette or in any such language, they shall, in their report, state the grounds of their opinion.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

IV.—Select Committees—contd.

26. The Secretary shall cause every report of a Select Committee to be printed, and shall send a copy of such report to each Member, and shall cause the report, with the amended Bill, to be published in the Gazette of India.

If any Member present is unacquainted with English, the Secretary shall also, if requested, cause the report to be translated into Hindustani for his use.

27. The report of the Select Committee on a Bill shall be presented to the Council by the Member in charge of the Bill, and shall be taken into consideration by the Council as soon as conveniently may be; but any Member may object to its being so taken into consideration when he has not been furnished for a week with a copy of the report; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the report to be taken into consideration.

V.—Consideration and Amendments of Bills.

28. When a Bill is taken into consideration by the Council, any Member may propose an amendment of such Bill.

29. If notice of such amendment has not been sent to the Secretary at least three days before the meeting of the Council at which the Bill is to be considered, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the amendment to be moved.

The Secretary shall, if time permits, cause every notice of amendment to be printed, and send a copy for the information of each Member.

If any Member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated into Hindustani for his use.

30. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

31. Notwithstanding anything in the foregoing Rules, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Council section by section. When this procedure is adopted, the President shall call each section separately, and when

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

V.—Consideration and Amendments of Bills—contd.

the amendments relating to it have been dealt with, shall put the question "that this section, or (as the case may be) this section as amended, stand part of the Bill."

32. Any Member may move that a Bill which has been amended by the Council or by a Select Committee be re-published or re-committed, and, if the Council so decide, the President may order the Bill to be re-published or re-committed, as the case may be.

33. If no amendment be made when a Bill is taken into consideration by the Council, the Bill may at once be passed.

If any amendment be made, any Member may object to the passing of the Bill at the same Meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the Bill to pass.

Where the objection prevails, the Bill shall be brought forward again at a future Meeting, and may then be passed with or without further amendment.

34. When a Bill is passed by the Council, a copy thereof shall be signed by the President, and, when the Governor General has declared his assent thereto, such copy shall be signed by the Governor General, and the Bill shall be published as soon as possible in the official Gazettes, under the signature of the Secretary, as an Act of the Governor General in Council.

Such publication shall be made in the Gazette of India in English and in the official Gazettes of the Local Governments in English and in such vernacular languages spoken in the territories subject to such Governments respectively as may be ordered by the Council or directed by the Local Government:

Provided that, when the Act does not apply to the whole of British India, it shall be published only in the Gazette of India and in the Gazettes of the Local Governments to whose territories it applies.

VI.—Duties of Secretary.

35. At least two days before each meeting of the Council, the Secretary shall send to each Member a list of the business to be brought forward at such meeting.

Subject to the provisions of rule 29, no business shall be entered by the Secretary in a list, unless notice thereof has been given to him at least three days before the meeting of the Council to which the

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

VI.—Duties of Secretary—contd.

lists relate: provided that business may be added to the list at any time before a meeting under the special orders of the President.

35. The Secretary shall keep a journal, in which all the proceedings of the Council shall be fairly entered.

The journal shall be submitted after each Meeting to the President for his confirmation and signature, and, when so signed, shall be the ecord of the proceedings of the Council.

37. The Secretary shall also cause to be prepared a full report of the proceedings of the Council at each of its Meetings, and publish it in the Gazette of India as soon as practicable. He shall send a copy of such report to each Member and also to the Permanent Under Secretary of State for India.

38. In addition to the other duties specially required by these Rules, it shall be the duty of the Secretary—

1st, to draft all Bills originated by the Government of India, the Statements of their Objects and Reasons, and the Reports of the Select Committee to which such Bills are referred;

2nd, to take charge of the copies of the Bills signed by the Governor General and of all the other records of the Council;

3rd, to keep the books of the Council;

4th, to keep a list of the business for the time being before the Council;

5th, to superintend the printing of all papers printed in pursuance of these rules;

6th, to assist the Council and all Committees in such manner as they may direct;

7th, to send the Secretary of the Department to which the Bill pertains, any Bill which an Additional Member has obtained leave to introduce under rule 16.

8th, to examine all Bills deposited by Additional Members, and report to the President on those which contain clauses trenching on subjects coming within section 19 or section 22 of the [1]Indian Councils Act, 1861;

9th, to write all letters which the Council or the President, or any Select Committee, or the Law Member, directs to be written.

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Rules for the conduct of the Legislative Business of the Council of the Governor General—*contd.*

VI.—Duties of Secretary—concld.

39. It shall be the duty of the Secretary to cause to be translated into Hindustani Bills, Statements of Objects and Reasons, Reports of Select Committees and Amendments of Bills, to cause papers to be explained to Members unacquainted with English and otherwise to assist them in such manner as they may require.

VII.—Miscellaneous.

40. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President.

Application for orders of admission is to be made to the Secretary.

41. The President, on the motion of any Member, may direct at any time during a sitting of the Council that strangers withdraw.

42. Any paper relating to any measure before the Council may be published by order of the President.

Copies of paper so published shall be sold at such rates as may be fixed by the Secretary.

43. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the List of Business.

44. The President, for sufficient reason, may suspend any of the foregoing Rules.

[*See* Gazette of India, 1897, Pt. I, p. 97.]

Constitution of the North-Western Provinces and Oudh as a province for the purposes of the Indian Councils Act, 1861.

No. 1704-F., dated the 26th November, 1886.—The Governor General in Council is pleased to make the following proclamation, to which the sanction of Her Majesty has been signified by the Secretary of State in Council, as required by section 49 of the [1]Indian Councils Act, 1861 :— 24 & 25 Vict., c. 67.

Proclamation.

The Governor General is pleased to constitute the territories for the time being under the administration of the Lieutenant-Governor

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Constitution of the North-Western Provinces and Oudh as a province for the purposes of the Indian Councils Act, 1861—*concld.*

of the [1]North-Western Provinces and Chief Commissioner of Oudh to be, for the purposes of the [2]Indian Councils Act, 1861, a province to which the provisions of that Act, touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay shall be applicable, and further to appoint the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh for the time being to be Lieutenant-Governor of that province with authority limited to the purposes of the said Act, so far as they relate to the making of laws and regulations.

24 & 25 Vict., c. 67.

2. The Governor General in Council is further pleased to specify the first day of December, 1886, as the period at which the provisions aforesaid shall take effect, and nine as the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations.

[*See* Gazette of India, 1886, Pt. I, p. 708.]

Extension of the Indian Councils Act, 1861, to the Punjab and Burma.

No. 509-P., dated the 9th April, 1897.—The following proclamations, to which the sanction of Her Majesty the Queen, Empress of India, has been signified by the Secretary of State in Council, as required by section 49 of the Indian Councils Act, 1861[2], are hereby published:

24 & 25 Vict., c. 67.

Proclamation.

The Governor General in Council is pleased to extend to the territories known as the Punjab the provisions of the [2]Indian Councils Act, 1861 (24 & 25 Vict., cap. 67[2]), touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay, and further to specify the first day of May 1897 as the period at which the said provisions shall take effect, and nine as the number of Councillors whom the Lieutenant Governor may nominate for his assistance in making laws and regulations.

24 & 25 Vict., c. 67.

[1] Now the United Provinces of Agra and Oudh, *see* Proclamation No. 996-P., dated 22nd March, 1902, *infra*, p. 77.

[2] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*contd.*

Extension of the Indian Councils Act, 1861, to the Punjab and Burma—*concld.*

Proclamation.

The Governor General is pleased to constitute the territories at present under the administration of the Chief Commissioner of Burma to be, for the purposes of the [1]Indian Councils Act, 1861 (24 & 25 Vict., cap. 67), a province to which the provisions of that Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St George and Bombay shall be applicable, and further to appoint Sir Frederic William Richard Fryer, K.C.S.I., of the Indian Civil Service, now Chief Commissioner of Burma, to be the first Lieutenant-Governor of that province with all powers and authority incident to such office.

2. The Governor General in Council is further pleased to specify the first day of May 1897 as the period at which the said provisions shall take effect, and nine as the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations.

[*See* Gazette of India, 1897, Pt. I, p. 261.]

Extension of the [1] Indian Councils Act, 1861, to the Province of Eastern Bengal and Assam.

No. 2831-P., dated the 1st September, 1905.—The following proclamation, to which the sanction of His Majesty the King, Emperor of India, has been signified by the Secretary of State for India in Council, is hereby published :

Proclamation.

The Governor General is pleased to constitute the territories at present under the administration of the Chief Commissioner of Assam to be, for the purposes of the [1]Indian Councils Act, 1861 (24 & 25 Vict., cap. 67), a province to which the provisions of that Act touching the making of laws and regulations for the peace and good order of the Presidencies of Fort St. George and Bombay shall be applicable, and to direct that the said Province shall be called and known as the Province of Eastern Bengal and Assam, and further to appoint the Honourable Mr. Joseph Bampfylde Fuller, C.S.I., C.I.E., of the Indian Civil Service, now Chief Commissioner of Assam, to be the first Lieutenant-Governor of that Province, with all powers and authority incident to such office.

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN COUNCILS ACT, 1861 (24 AND 25 VICT., C. 67)—*concld.*

Extension of the Indian Councils Act, 1861, to the Province of Eastern Bengal and Assam—*concld.*

2. The Governor General in Council is pleased to specify the sixteenth day of October, one thousand nine hundred and five as the period at which the said provisions shall take effect, and fifteen as the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations.

3. The Governor General in Council is further pleased to declare and appoint that upon the constitution of the said Province of Eastern Bengal and Assam the districts of Dacca, Mymensingh, Faridpur, Backergunge, Tippera, Noakhali, Chittagong, the Chittagong Hill Tracts, Rajshahi, Dinajpur, Jalpaiguri, Rangpur, Bogra, Pabna, and Maida, which now form part of the Bengal Division of the Presidency of Fort William, shall cease to be subject to or included within the limits of that Division, and shall thenceforth be subject to and included within the limits of the Lieutenant-Governorship of the Province of Eastern Bengal and Assam.

[*See* Gazette of India, 1905, Pt. I, p. 636.]

NATIONAL ARCHIVES OF INDIA

[1] Collection of Statutes relating to India, Vol. I.

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104).

Declaration by Judges applying for privilege leave.

No. 420, dated 18th April, 1884.—In exercise of the authority vested in him by section 6 of 24 & 25 Vict., cap. 104[1], the Secretary of State in Council of India has directed the following addition to be made to Chapter IV of the Civil Leave Code:

Civil Leave Code.

Page 155.

Add the following section after section 36:—

"36A. A Judge applying for privilege leave (whether the leave be under section 34 or section 36) must record a declaration that he has no intention of resigning his office and retiring from the service or of taking leave of any kind for three months after his return to duty. Though not absolutely debarred by this declaration from applying for permission to resign his office and retiring from the service, or to take leave within three months, he should, if he does so, explain his change of intention.

[*See* Gazette of India, 1884, Pt. I, p. 156.]

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting:

Recital of Act 24 Vict., cap. 104.

Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign, intituled "An Act for establishing High Courts of Judicature in India[2]," it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, and that such High Court should consist of a Chief Justice and as many Judges, not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief

[1] The Indian High Court Act, 1861. Collection of Statutes relating to India, Vol. I.

[2] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid, the Supreme Court and the Court of Sudder Dewanny Adawlut and Sudder Nizamut Adawlut at Calcutta, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of justice in the said Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, however to such directions and limitations, as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency-town, as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fourteenth day of May, in the Twenty-fifth Year of Our Reign, in the Year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish, at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Fort William in Bengal, and did thereby constitute the said Court to be a Court of Record; and whereas We did thereby appoint and ordain, that the said High Court of Judicature at Fort William in Bengal should, until further or other provision should be made by Us or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and thirteen Judges, and did thereby, in addition to the persons who at the time of the establishment of the said High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

Court of Sudder Dewanny Adawlut, in the said Presidency respectively, constitute and appoint certain other persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court:

And whereas on the Thirtieth day of January, One thousand eight hundred and sixty-three, We did in the manner in the said recited Act provided direct and ordain that the said High Court should consist of a Chief Justice and fourteen Judges:

And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within three years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit and as might have been granted or made by such first Letters Patent:

Title.] And whereas by the Act of the Twenty-eighth of Our Reign, chapter fifteen[1], entitled "An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further provision respecting the territorial Jurisdiction of the said Courts," the time for the issuing fresh Letters Patent has been extended to the First of January, One thousand eight hundred and sixty-six:

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of justice thereby, it is expedient that the said Letters Patent, dated the Fourteenth of May, One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

Revocation of Letters Patent of 1862.

1. Now know Ye that We, upon full consideration of the premises, and of Our especial grace, certain knowledge, and mere motion have thought fit to revoke and do by these presents (from and after the date of the publication thereof, as herein-after provided, and subject to the provisions thereof) revoke Our said Letters Patent of the Fourteenth of May, One thousand eight hundred and sixty-two, except so far as the Letters Patent of the Fourteenth Year of His Majesty King George the Third, dated the Twenty-sixth of March, One thousand seven hundred and seventy-four, establishing a Supreme Court of Judicature at Fort William in Bengal, were revoked or determined thereby.

[1] Indian High Courts Act, 1865, *see* Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

2. And We do by these presents grant, direct, and ordain that, notwithstanding the revocation of the said Letters Patent of the 14th of May, one thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at Fort William in Bengal shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at Fort William in Bengal for the Bengal division of the Presidency of Fort William aforesaid; and that the said Court shall be and continue a Court of Record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they had commenced in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby, until the same are altered by competent authority. High Court at Fort William to continued.

3. And We do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or acting Chief Justice or Judges, if any, of the said High Court of Judicature at Fort William in Bengal shall continue to be the Chief Justice and Judges, or acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in India. Judges of the said High Court to be continued.

4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at Fort William in Bengal, appointed by virtue of the said Letters Patent of the Fourteenth of May, One thousand eight hundred and sixty-two, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed until he be removed from such office and employment; and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent. Clerks, &c., of the said High Court to be continued.

5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at Fort William in Bengal previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor General in Council may commission to receive it:— Declaration to be made by Judges.

"I, *A. B.*, appointed Chief Justice [*or* a Judge] of the High Court of Judicature at Fort William in Bengal, do solemnly declare

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

"that I will faithfully perform the duties of my office to the best of "my ability, knowledge and judgment."

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at Fort William in Bengal shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms, with an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Fort William in Bengal." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of section 7 of the said recited Act; and We do further grant, ordain, and appoint that, whensoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered, to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

Seal.

Writs, &c., to issue in name of the Crown and under Seal.

7. And We do hereby further grant, ordain, and appoint that all writs, summons, precepts, rules, orders, and other mandatory process to be used, issued, or awarded by the said High Court of Judicature at Fort William in Bengal shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

Appointment of officers.

8. And We do hereby authorize and empower the Chief Justice of the said High Court of Judicature at Fort William in Bengal from time to time, as occasion may require, and subject to any rules and restrictions, which may be prescribed by the Governor General in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor General in Council, and shall be either confirmed or disallowed by the Governor General in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

time to time, appoint for each office and place respectively, and as the Governor General in Council shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor General in Council and to absent himself from the said limits during the term of such leave, in accordance with the said Rules.

Admission of Advocates, Vakeels, and Attorneys.

Powers of High Court: admitting Advocates, Vakeels, and Attorneys.

9. And We do hereby authorize and empower the said High Court of Judicature at Fort William in Bengal to approve, admit, and enrol such and so many Advocates, Vakeels, and Attorneys, as to the said High Court shall seem meet; and such Advocates, Vakeels, and Attorneys shall be and are hereby authorized to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions.

In making rules for the qualifications, &c., of Advocates, Vakeels and Attorneys.

10. And We do hereby ordain that the said High Court of Judicature at Fort William in Bengal shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

Civil jurisdiction of the High Court.

Local limits of the ordinary original jurisdiction of the High Court.

11. And We do hereby ordain that the said High Court of Judicature at Fort William in Bengal shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by competent legislative authority for India, and until some local limits shall be so declared and prescribed, within the limits declared and prescribed by the proclamation fixing the limits of Calcutta issued by the Governor General in Council on the Tenth day of September in the year of our Lord One thousand seven hundred and ninety-four, and the ordinary original civil jurisdiction of the said High Court shall not

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original jurisdiction as to suits.

12. And We do further ordain, that the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immoveable property, such land or property shall be situated, or in all other cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the Defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at Calcutta, in which the debt or damage, or value of the property sued for does not exceed One hundred rupees.

Extraordinary original civil jurisdiction.

13. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Bengal division of the Presidency of Fort William, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

Joinder of several causes of action.

14. And We do further ordain that where Plaintiff has several causes of action against Defendant, such causes of action not being for land or other immoveable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the Defendant to show cause why the several causes of action should not be joined together in one suit, and to make such order for trial of the same as to the said High Court shall seem fit.

Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction.

15. And We do further ordain that an appeal shall lie to the said High Court of Judicature at Fort William in Bengal from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court, or of one Judge of any Division Court, pursuant to section 13 of the said recited Act; and that an appeal shall also lie to the said High Court from the judgment not being a sentence or order as aforesaid of two

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of the said High Court, or of such Division Court shall be to Us, Our heirs or successors, in Our or their Privy Council, as hereinafter provided.

Appeal from Courts in the Province.

16. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall be a Court of Appeal from the Civil Courts of the Bengal division of the Presidency of Fort William, and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

Jurisdiction as to infant and lunatics.

17. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have the like power and authority with respect to the persons and estates of infants, idiots, and lunatics within the Bengal division of the Presidency of Fort William as that which was vested in the said High Court immediately before the publication of these presents.

Provision with respect to the insolvent court

18. And We do further ordain that the Court for relief of insolvent debtors at Calcutta shall be held before one of the Judges of the said High Court of Judicature at Fort William in Bengal, and the said High Court, and any such Judge thereof, shall have and exercise, within the Bengal division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise, as are constituted by the laws relating to insolvent debtors in India.

Law to be administered by the High Court of Judicature at Fort William in Bengal.

By the High Court in the exercise of ordinary original civil jurisdiction

19. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction, such law or equity shall be the law or equity which would have been applied by the said High Court to such case if these Letters Patent had not issued.

In the exercise of extraordinary original civil jurisdiction.

20. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at Fort William in Bengal in the exercise of its extraordinary original civil jurisdiction, such law

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

By the High Court in the exercise of appellate jurisdiction.

21. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at Fort William in Bengal, to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction.

Ordinary original jurisdiction of the High Court.

22. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have ordinary original criminal jurisdiction within local limits of its ordinary original civil jurisdiction; and also in respect of all such persons, both within the limits of the Bengal division of the Presidency of Fort William, and beyond such limits, and not within the limits of the criminal jurisdiction of any other High Court or Court established by competent legislative authority for India, as the said High Court of Judicature at Fort William in Bengal shall have criminal jurisdiction over at the date of the publication of these presents.

Jurisdiction as to persons.

23. And We do further ordain that the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

24. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and shall have authority to try at its discretion any such persons brought before it on charges preferred by the Advocate General, or by any magistrate or other officer specially empowered by the Government in that behalf.

No appeal from High Court exercising original jurisdiction.

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at Fort William in Bengal from any sentence or order passed or made in any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law, for the opinion of the said High Court.

Court may reserve points of law.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

High Court to review on certificate of the Advocate General.

26. And We do further ordain that, on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original criminal jurisdiction, or that a point or points of law which has or have been decided by the said Court, shall be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

Appeals from criminal Courts in the Provinces.

27. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall be a court of appeal from the criminal Courts of the Bengal division of the Presidency of Fort William, and from all other courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

Hearing of referred cases, and revision of criminal trials.

28. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall be a court of reference and revision from the criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Sessions Judges, or by any other officers now authorized to refer cases to the said High Court, and to revise all such cases tried by any officer or court possessing criminal jurisdiction, as are now subject to reference to or revision by the said High Court.

High Court may direct the transfer of a case from one Court to another.

29. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any Court to any other court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or Court otherwise competent to investigate or try it, though such case belongs in ordinary course to the jurisdiction of some other officer or Court.

Criminal Law.

Offenders—to be punished under Indian Penal Code.

30. And We do further ordain that all persons brought for trial before the said High Court of Judicature at Fort William in Bengal either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference, or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code[1]," or by any Act amending or excluding

[1] *See* now the revised edition of the Code, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.

Judges may be authorized to sit in any places by way of circuit or special commission.

31. And We do further ordain that whenever it shall appear to the Governor General in Council convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court of Judicature at Fort William in Bengal should be exercised in any place within the jurisdiction of any court now subject to the superintendence of the said High Court, other than the usual place of sitting of the said High Court or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places shall be regulated by any law relating thereto which has been or may be made by competent legislative authority for India.

Admiralty and Vice-Admiralty Jurisdiction.

Civil.

32. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have and exercise all such civil and maritime jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in India as may now be exercised by the said High Court.

Criminal.

33. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have and exercise all such criminal jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, or otherwise in connection with maritime matters or matters of prize.

Testamentary and Intestate Jurisdiction.

Testamentary and intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have the like power and authority as that which may now be lawfully exercised by the said High Court, except within the limits of the jurisdiction for that purpose of any other High Court established by Her Majesty's Letters Patent, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever of persons dying intestate, whether within or without the said Bengal division, subject to the orders of the Governor General in Council

NATIONAL ARCHIVES OF INDIA

as to the period when the said High Court shall cease to exercise testamentary and intestate jurisdiction in any place or places beyond the limits of the Provinces or places for which it was established : Provided always, that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

Matrimonial Jurisdiction.

Matrimonial jurisdiction.

35. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have jurisdiction, within the Bengal division of the Presidency of Fort William, in matters matrimonial between Our subjects professing the Christian religion : Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

Powers of Single Judges and Division Courts.

Single Judges and Division Courts.

36. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature at Fort William in Bengal, in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act[1] of the Twenty-fourth and Twenty-fifth Years of our Reign ; and if such Division Court is composed of two or more Judges and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

Civil Procedure.

Regulation of proceeding.

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at Fort William in Bengal from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its Admiralty, Vice-Admiralty, testamentary, intestate, and matrimonial jurisdiction respectively:

[1] The Indian High Courts Act, 1861, *see* Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

Provided always, that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the [1] Code of Civil Procedure, being an Act passed by the Governor General in Council, and being Act No. VIII of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for India.

Criminal Procedure.

Regulation of proceedings.

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original criminal jurisdiction, and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the [2]Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being Act No. XXV of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

Appeals to Privy Council.

Power to appeal.

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at Fort William in Bengal made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court from which an appeal shall not lie to the said High Court under the provision contained in the 15th clause of these presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 Rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than Rupees 10,000; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy

[1] *See* now Act XIV of 1882, modified up to 1st December, 1899.

[2] *See* now Act V of 1898, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*contd.*

Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

40. And We do further ordain that it shall be lawful for the said High Court of Judicature at Fort William in Bengal, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Appeal to criminal cases, etc.

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at Fort William in Bengal, made in the exercise of original criminal jurisdiction or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner herein-before provided, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Rule as to transmission of copies of evidence and other documents.

42. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at Fort William in Bengal to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given

NATIONAL ARCHIVES OF INDIA

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature at Fort William in Bengal, dated 28th December, 1865—*concld.*

by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

Calls for Records, etc., by the Government.

High Court to comply with requisition from Government for records, etc.

43. And it is Our further will and pleasure that the said High Court of Judicature at Fort William in Bengal shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

Powers of Indian Legislature preserved.

44. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an [1] Act of the Twenty-fourth and Twenty-fifth years of Our Reign, chapter Sixty-seven, and may be in all respects amended and altered thereby.

Provision of former Letters Patent inconsistent with these Letters Patent to be void.

45. And it is Our further will and pleasure that these Letters Patent shall be published by the Governor General in Council, and shall come into operation from and after the date of such publication; and that from and after the date on which effect shall have been given to them, so much of the aforesaid Letters Patent granted by His Majesty King George the Third as was not revoked or determined by the said Letters Patent of the Fourteenth of May One thousand eight hundred and Sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void, to all intents and purposes whatsoever.

In witness thereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the Twenty-eighth day of December in the Twenty-ninth year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

[1] The Indian Councils Act, 1861, Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865.

Recital of Act 24 & 25 Vict., cap. 104.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign, intituled "An Act for establishing High Courts of Judicature in India[1]" it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Madras, for the Presidency of Madras aforesaid, and that such High Court should consist of a Chief Justice and as many Judges not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid, the Supreme Court and the Court of Sudder Dewanny Adawlut and Foujdarry Adawlut at Madras, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of Justice in the said Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, however, to such directions and limitations, as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency-town, as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

[1] Collection of Statutes relating to India, Vol. I,

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty-sixth day of June, in the Twenty-fifth Year of Our Reign, in the Year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heir and successors, erect and establish at Madras, for the Presidency of Madras aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Madras, and did thereby constitute the said Court to be a Court of Record; and whereas we did thereby appoint and ordain, that the said High Court of Judicature at Madras should, until further or other provision should be made by Us, or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and five Judges, and did thereby constitute and appoint certain persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court:

S. 17. And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within three years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit, and as might have been granted or made by such first Letters Patent:

Title. And whereas by the Act of the Twenty-eighth year of Our Reign, chapter fifteen[1], entitled "An Act to extend the Term for granting "fresh Letters Patent for the High Courts in India, and to make "further Provision respecting the territoral Jurisdiction of the said "Courts," the time for issuing fresh Letters Patent has been extended to the first of January, One thousand eight hundred and sixty-six:

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of Justice thereby, it is expedient that the said Letters Patent, dated the Twenty-sixth of June, One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

Revocation of Letters Patent of 1862.

1. Now know ye that We, upon full consideration of the premises, and of Our especial grace, certain knowledge, and mere motion, have thought fit to revoke, and do by these presents (from and after the date of the publication thereof, as hereinafter provided, and subject to the provisions thereof) revoke Our said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, except so far as the Letters Patent of the Forty-first Year of His Majesty King George the Third, dated the Twenty-sixth of December One thousand eight hundred, establishing a Supreme Court of Judicature at Madras, were revoked or determined thereby.

High Court at Madras to be continued.

2. And We do by these presents grant, direct, ad ordain that notwithstanding the revocation of the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at Madras shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at Madras for the Presidency of Madras aforesaid; and that the said Court shall be and continue a Court of record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they had commenced in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby, until the same are altered by competent authority.

Judges of the said High Court to be continued.

3. And We do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or acting Chief Justice or Judges, if any, of the said High Court of Judicature at Madras, shall continue to be the Chief Justice and Judges, or acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in India.

Clerks, etc., of the said High Court to be continued.

4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at Madras appointed by virtue of the said Letters Patent of the Twenty-sixth June, One thousand eight hundred and sixty-two, shall continue to

NATIONAL ARCHIVES OF INDIA

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

hold and enjoy his office and employment, with the salary thereunto annexed, until he be removed from such office and employment; and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent.

Declaration to be made by Judges.

5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at Madras, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor in Council may commission to receive it:—

"I, *A.B.*, appointed Chief Justice [*or* a Judge] of the High Court "of Judicature at Madras, do solemnly declare that I will faithfully "perform the duties of my office to the best of my ability, knowledge, "and judgment."

Seal

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at Madras shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms, with an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Madras." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of Section 7 of the said recited Act; and We do further grant, ordain, and appoint that whensoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

In making rules for the qualifications etc., of Advocate.

7. And We do hereby further grant, ordain, and appoint that all writs, summons, precepts, rules, orders, and other mandatory process to be used, issued, or awarded by the said High Court of Judicature at Madras, shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

8. And We do hereby authorise and empower the Chief Justice of the said High Court of Judicature at Madras from time to time as occasion may require, and subject to any rules and restrictions which may be prescribed by the Governor in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of Justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor in Council, and shall be either confirmed or disallowed by the Governor in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from time to time, appoint for each office and place respectively, and as the Governor in Council, subject to the control of the Governor General in Council, shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor in Council, and to absent himself from the said limits during the term of such leave, in accordance with the said rules. Appointment of officers.

Admission of Advocates, Vakeels, and Attorneys.

9. And We hereby authorise and empower the said High Court of Judicature at Madras to approve, admit, and enrol such and so many Advocates, Vakeels, and Attorneys, as to the said High Court shall seem meet; and the said Advocates, Vakeels, and Attorneys shall be and are hereby authorised to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions. Powers of High Court in admitting Advocates, Vakeels, and Attorneys.

10. And We do hereby ordain that the said High Court of Judicature at Madras shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels and Attorneys-at-law of the said High Court, and shall be empowered to Writs, etc., to issue in name of the Crown, and under seal.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

Vakeels and Attorneys.

remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

Civil Jurisdiction of the High Court.

Local limits of the ordinary original jurisdiction of the High Court.

11. And We do hereby ordain that the said High Court of Judicature at Madras shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by the Governor in Council, and, until some local limits shall be so declared and prescribed, within the limits of the local jurisdiction of the said High Court of Madras at the date of the publication of these presents, the ordinary original civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original jurisdiction as to suits.

12. And We do further ordain that the said High Court of Judicature at Madras, in the exercise of its ordinary original civil jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immoveable property, such land or property shall be situated, or in all other cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the Defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at Madras, in which the debt or damage, or value of the property sued for, does not exceed One hundred rupees.

Extraordinary original civil jurisdiction.

13. And We do further ordain that the said High Court of Judicature at Madras shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Presidency of Madras, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

NATIONAL ARCHIVES OF INDIA

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

Joinder of several causes of action.

14. And We do further ordain that where Plaintiff has several causes of action against Defendant, such causes of action not being for land or other immoveable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the Defendant to show cause why the several causes of action should not be joined together in one suit, and to make such order of trial of the same as to the said High Court shall seem fit.

Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction.

15. And We do further ordain that an appeal shall lie to the said High Court of Judicature at Madras from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court, or of one Judge of any Division Court, pursuant to section 13 of the said recited Act; and that an appeal shall also lie to the said High Court from the judgment, not being a sentence or order as aforesaid, of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court, or of such Division Court, shall be to Us, Our heirs or successors, in Our or their Privy Council, as hereinafter provided.

Appeal from Courts in the provinces.

16. And We do further ordain that the said High Court of Judicature at Madras shall be a Court of appeal from the Civil Courts of the Presidency of Madras, and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

Jurisdiction as to infants and lunatics.

17. And We do further ordain that the said High Court of Judicature at Madras shall have the like power and authority with respect to the persons and estates of infants, idiots, and lunatics within the Presidency of Madras as that which was vested in the said High Court immediately before the publication of these presents.

Provision with respect to the Insolvent Court.

18. And We do further ordain that the Court for relief of insolvent debtors at Madras shall be held before one of the Judges of the said High Court of Judicature at Madras, and the said High Court, and any such Judge thereof, shall have and exercise, within the Presidency of Madras, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India.

NATIONAL ARCHIVES OF INDIA

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

Law to be administered by the High Court.

By the High Court in the exercise of ordinary original civil jurisdiction.

19. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature at Madras, in the exercise of its ordinary original civil jurisdiction, such law or equity shall be the law or equity which would have been applied by the said High Court to such case if these Letters Patent had not issued.

In the exercise of extraordinary original civil jurisdiction.

20. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at Madras, in the exercise of its extraordinary original civil jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

By the High Court in the exercise of appellate jurisdiction.

21. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at Madras, to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction.

Ordinary original jurisdiction of the High Court.

22. And We do further ordain that the said High Court of Judicature at Madras shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction; and also in respect of all such persons, beyond such limits, over whom the said High Court of Judicature at Madras shall have criminal jurisdiction at the date of the publication of these presents.

Jurisdiction as to persons.

23. And We do further ordain that the said High Court of Judicature at Madras, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

24. And We do further ordain that the said High Court of Judicature at Madras shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and shall have authority to try at its discretion any such persons brought before it on charges preferred by the Advocate-General, or by any magistrate or other officer specially empowered by the Government in that behalf.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at Madras from any sentence or order passed or made in an any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court. No appeal from High Court exercising original jurisdiction. Court may reserve point of law.

26. And We do further ordain that, on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate-General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original criminal jurisdiction, or that a point or points of law which has or have been decided by the said Court shall be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right. High Court to review on certificate of the Advocate-General.

27. And We do further ordain that the said High Court of Judicature at Madras shall be a court of appeal from the criminal courts of the Presidency of Madras, and from all other courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force. Appeals from criminal courts in the provinces.

28. And We do further ordain that the said High Court of Judicature at Madras shall be a court of reference and revision from the criminal courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers now authorised to refer cases to the said High Court, and to revise all such cases tried by any officer or court possessing criminal jurisdiction, as are now subject to reference or to revision by the said High Court. Hearing of referred cases, and revision of criminal trials.

29. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any court to any other court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or court otherwise competent to investigate or try it, though such case belongs in ordinary course to the jurisdiction of some other officer or court. High Court may direct the transfer of a case from one court to another.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

Criminal Law.

Offenders to be punished under Indian Penal Code.

30. And We do further ordain that all persons brought for trial before the said High Court of Judicature at Madras, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference, or revision, charged with any offence for which provision is made by [1]Act No. XLV of 1860, called the "Indian Penal Code," or by any Act amending or extending the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.

Judges may be authorized to sit in any places by way of circuit or special commission.

31. And We do further ordain that whenever it shall appear to the Governor in Council convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court of Judicature at Madras, should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the said High Court, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places, shall be regulated by any law relating thereto, which has been or may be made by competent legislative authority for India.

Admiralty and Vice-Admiralty Jurisdiction.

Civil.

32. And We do further ordain that the said High Court of Judicature at Madras shall have and exercise all such civil and maritime jurisdiction as may now be exercised by the said High Court as a Court of Admiralty or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in India as may now be exercised by the said High Court.

Criminal.

33. And We do further ordain that the said High Court of Judicature of Madras shall have and exercise all such criminal jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, or otherwise in connection with maritime matters, or matters of prize.

Testamentary and Intestate Jurisdiction.

Testamentary and intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at Madras shall have the like power and authority as that which

[1] *See* now the revised edition of the Code, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for th High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

may now be lawfully exercised by the said High Court, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever of persons dying intestate, whether within or without the Presidency of Madras: Provided always, that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

Matrimonial Jurisdiction.

Matrimonial jurisdiction.

35. And We do further ordain that the said High Court of Judicature at Madras shall have jurisdiction, within the Presidency of Madras, in matters matrimonial between Our subjects professing the Christian religion: Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

Powers of Single Judges and Division Courts.

Single Judges and Division Courts.

36. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature at Madras, in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act[1] of the Twenty-fourth and Twenty-fifth Years of Our reign; and if such Division Court is composed of two or more Judges, and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

Civil Procedure.

Regulation of Proceedings.

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at Madras from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its admiralty, vice-admiralty, testamentary, intestate, and matrimonial jurisdiction respectively: Provided always, that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the Code of Civil Procedure, being an

[1] The Indian High Courts Act, Collection of Statutes relating to India, Volume I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

Act passed by the Governor General in Council, and being [1]Act No. VIII of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for India.

Criminal Procedure.

Regulation of proceedings.

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at Madras, in the exercise of its ordinary original criminal jurisdiction, and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being [2]Act No. XXV of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

Appeals to Privy Councils.

Power to appeal.

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at Madras made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High Court under the provision contained in the 15th clause of these Presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said

[1] *See* now Act XIV of 1882, as modified up to 1st December, 1899.
[2] *See* now Act V of 1898, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*contd.*

existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

40. And We do further ordain that it shall be lawful for the said High Court of Judicature at Madras, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Appeal in criminal cases, etc.

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at Madras, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner hereinbefore provided by any court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors, in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Rule as to transmission of copies of evidence and other documents.

42. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at Madras to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Madras, dated 28th December, 1865—*concld.*

orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

Calls for Records, etc., by the Government.

High Court to comply with requisition from Government for records, etc.

43. And it is Our further will and pleasure that the said High Court of Judicature at Madras shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

Powers of Indian Legislature preserved.

44. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth years of Our Reign, chapter sixty-seven, and may be in all respects amended and altered thereby.

Provisions of former Letters Patent inconsistent with these Letters Patent, to be void.

45. And it is Our further will and pleasure that these Letters Patent should be published by the Governor in Council, and shall come into operation from and after the date of such publication; and that from and after the date on which effect shall have been given to them, so much of the aforesaid Letters Patent granted by His Majesty King George the Third as was not revoked or determined by the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void to all intents and purposes whatsoever.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the Twenty-eighth day of December in the Twenty-ninth year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

[Statutory Rules and Orders Revised, Vol. IV, p. 96.]

NATIONAL ARCHIVES OF INDIA

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated 28th December, 1865.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of our Reign intituled " An Act for establishing High Courts of Judicature in India[1] " it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Bombay, for the Presidency of Bombay aforesaid, and that such High Court should consist of a Chief Justice and as many Judges not exceeding fifteen as Her Majesty might from time to time think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid the Supreme Court and the Court of Sudder Dewanny Adawlut and Sudder Foujdarry Adawlut at Bombay, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority, for and in relation to the administration of justice in the said Presidency, as Her Majesty might, by such Letters Patent as aforesaid, grant and direct, subject, however, to such directions and limitations as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency-town as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction and every power and authority whatsoever in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the

[1] Collection of Statutes relating to India, Volume I.—

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated 28th December, 1865 —*contd.*

Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty-sixth day of June in the Twenty-fifth Year of Our Reign, in the year of our Lord One thousand eight hundred and sixty-two did accordingly, for Us, Our heirs and successors, erect and establish at Bombay, for the Presidency of Bombay aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Bombay, and did thereby constitute the said Court to be a Court of Record; and whereas We did thereby appoint and ordain that the said High Court of Judicature at Bombay should, until further or other provision should be made by Us or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and six Judges, and did thereby constitute and appoint certain persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court: and whereas on the Sixth day of July, One thousand eight hundred and sixty-three, We did, in accordance with the provisions of the said recited Act, increase the number of the Judges of the said Court to a Chief Justice and seven Judges:

And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within three years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit, and as might have been granted or made by such first Letters Patent: S. 17.

Title. And whereas by the Act of the Twenty-eighth of our Reign, chapter fifteen[1], entitled "An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the territorial Jurisdiction of the said Courts," the time for issuing fresh Letters Patent has been extended to the first of January, one thousand eight hundred and sixty-six:

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of justice thereby, it is expedient that the said Letters Patent dated the Twenty-sixth of June, One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

Revocation of Letters Patent of 1862. 1. Now know ye that We, upon full consideration of the premises and of Our especial grace, certain knowledge and mere motion, have thought fit to revoke, and do by these presents (from and after the date of the publication thereof, as hereinafter provided, and subject to the

[1] Indian High Courts Act, 1865, Collection of Statutes relating to India, Volume I.

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated 28th December, 1865—*contd.*

provisions thereof) revoke our said Letters Patent of the Twenty-sixth of June One thousand eight hundred and sixty-two, except so far as the Letters Patent of the Fourth Year of His Majesty King George the Fourth dated the Eighth day of December, One thousand eight hundred and twenty-three, establishing a Supreme Court of Judicature at Bombay, were revoked or determined thereby.

High Court at Bombay to be continued.

2. And We do by these presents grant, direct, and ordain that, notwithstanding the revocation of the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at Bombay shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at Bombay for the Presidency of Bombay aforesaid, and that the said Court shall be and continue a Court of Record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they had commenced in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby, until the same are altered by competent authority.

Judges of the said High Court to be continued.

3. And we do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or Acting Chief Justice or Judges, if any, of the said High Court of Judicature at Bombay shall continue to be the Chief Justice and Judges, or Acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in India.

Clerks, etc., of the said High Court to be continued.

4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at Bombay appointed by virtue of the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed, until he be removed from such office and employment, and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated 28th December, 1865—*contd.*

Declaration to be made by Judges.

5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at Bombay, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor in Council may commission to receive it :—

"I, A.B., appointed Chief Justice [*or* a Judge] of the High Court of Judicature at Bombay, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at Bombay shall have, and use as occasion may require, a seal bearing a device and impression of our Royal Arms within an exergue or label surrounding the same, with this inscription "The Seal of the High Court at Bombay." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of section seven of the said recited Act; and we do further grant, ordain, and appoint that whensoever it shall happen that the office of the Chief Justice, or of the Judge to whom the custody of said seal be committed, shall be vacant, the said High Court shall be and is hereby authorised and empowered to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

Writs, etc., to issue in name of the Crown and under Seal.

7. And We do hereby further grant, ordain, and appoint that all writs, summons, precepts, rules, orders, and other mandatory process to be used, issued or awarded by the said High Court of Judicature at Bombay shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

Appointment of officers.

8. And We do hereby authorize and empower the Chief Justice of the said High Court of Judicature at Bombay from time to time, as occasion may require and subject to any rules and restrictions which may be prescribed by the Governor in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor in Council,

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the Presidency of Bombay dated the 28th December, 1865—*contd.*

and shall be either confirmed or disallowed by the Governor in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall from time to time appoint for each office and place respectively and as the Governor in Council, subject to the control of the Governor General in Council, shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor in Council, and to absent himself from the said limits during the term of such leave in accordance with the said rules.

Admission of Advocates, Vakeels and Attorneys.

Powers of High Court in admitting Advocates, Vakeels, and Attorneys.

9. And We do hereby authorise and empower the said High Court of Judicature at Bombay to approve, admit, and enrol such and so many Advocates, Vakeels, and Attorneys as to the said High Court shall seem meet; and such Advocates, Vakeels, and Attorneys shall be and are hereby authorised to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors according as the said High Court may by its rules and directions determine and subject to such rules and directions.

In making rules for the qualifications, &c. of Advocates, Vakeels, and Attorneys.

10. And We do hereby ordain that the said High Court of Judicature at Bombay shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for, or on behalf of, any suitor in the said High Court; except that any suitor shall be allowed to appear, plead, or act on his own behalf or on behalf of a co-suitor.

Civil Jurisdiction of the High Court.

Local limits of the ordinary original jurisdiction of the High Court.

11. And We do hereby ordain that the said High Court of Judicature at Bombay shall have and exercise ordinary original civil jurisdiction within such local limits as may, from time to time, be declared and prescribed by any law made by the Governor in Council, and until some local limits shall be so declared and prescribed, within the

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865—*contd.*

limits of the local jurisdiction of the said High Court of Bombay at the date of the publication of these presents, and the ordinary original civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original jurisdiction as to suits.

12. And We do further ordain that the said High Court of Judicature at Bombay in the exercise of its ordinary original civil jurisdiction shall be empowered to receive, try, and determine suits of every description, if in the case of suits for land or other immoveable property, such land or property shall be situated, or in all other cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the defendant at the time of the commencement of the suit shall dwell or carry on business, or personally work for gain, within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at Bombay, in which the debt or damage or value of property sued for does not exceed one hundred rupees.

Extraordinary original civil jurisdiction.

13. And We do further ordain that the said High Court of Judicature at Bombay shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Presidency of Bombay, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

Joinder of several causes of action.

14. And We do further ordain that where plaintiff has several causes of action against defendant, such causes of action not being for land or other immoveable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the defendant to show cause why the several causes of action should not be joined together in one suit and to make such order for trial of the same as to the said High Court shall seem fit.

Appeal from the Court of original jurisdiction to the High Court in its appellate jurisdiction.

15. And We do further ordain that an appeal shall lie to the said High Court of Judicature at Bombay from the judgment (not being a sentence or order passed or made in any criminal trial of one Judge of the said High Court, or of one Judge of any Division Court, pursuant to section thirteen of the said recited Act; and that an appeal shall also lie to the said High Court from

NATIONAL ARCHIVES OF INDIA

the judgment, not being a sentence or order as aforesaid, of two or more Judges of the said High Court; or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court, or of such Division Court, shall be to Us, Our heirs or successors, in Our or their Privy Council as hereinafter provided.

Appeal from Courts in the Provinces.

16. And We do further ordain that the said High Court of Judicature at Bombay shall be a Court of appeal from the Civil Courts of the Presidency of Bombay, and from all other Courts subject to its superintendence and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

Jurisdiction as to infants and lunatics.

17. And We do further ordain that the said High Court of Judicature at Bombay shall have the like power and authority with respect to the persons and estates of infants, idiots, and lunatics within the Bombay Presidency as that which was vested in the said High Court immediately before the publication of these presents.

Provision with respect to the Insolvent Court.

18. And We do further ordain that the Court for relief of insolvent debtors at Bombay shall be held before one of the Judges of the said High Court of Judicature at Bombay, and the said High Court and any such Judge thereof shall have and exercise, within the Presidency of Bombay, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India.

Law to be administered by the High Court.

By the High Court in the exercise of ordinary original civil jurisdiction.

19. And We do further ordain that with respect to the law or equity to be applied to each case coming before the said High Court of Judicature at Bombay, in the exercise of its ordinary original civil jurisdiction, such law or equity shall be the law or equity which would have been applied by the said High Court to such case if these Letters Patent had not issued.

In the exercise of extraordinary original civil jurisdiction.

20. And We do further ordain that with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at Bombay, in the exercise of its extraordinary original civil jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein. [1]

[1] *See* corrections by Act XXIII of 1866 in this section, Bombay Code, Vol. I, p. 88.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of judicature for the Presidency of Bombay, dated the 28th December, 1865—*contd.*

By the High Court in the exercise of appellate jurisdiction.

21. And We do further ordain that with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at Bombay to each case coming before it, in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction.

Ordinary original jurisdiction of the High Court.

22. And We do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all persons beyond such limits over whom the said High Court of Judicature at Fort William in Bengal shall have criminal jurisdiction at the date of the publication of these presents.

Jurisdiction as to persons.

23. And We do further ordain that the said High Court of Judicature at Bombay, in the exercise of its ordinary original criminal jurisdiction, shall be empowerd to try all persons brought before it in due course of law.

Extraordinary orig criminal jurisdiction.

24. And We do further ordain that the said High Court of Judicature at Bombay shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and shall have authority to try at its discretion any such person brought before it on charges preferred by the Advocate-General, or by any magistrate or other officer specially empowered by the Government in that behalf.

No appeal from High Court exercising original jurisdiction. Court may reserve points of law.

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at Bombay from any sentence or order passed or made in any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

High Court to review on certificate of the Advocate General.

26. And We do further ordain that on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate-General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original criminal jurisdiction, or that a point or points of law which has or

NATIONAL ARCHIVES OF INDIA

have been decided by the said Court should be further considered the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

Appeals from Criminal Courts in the Provinces.

27. And We do further ordain that the said High Court of Judicature at Bombay shall be a court of appeal from the criminal courts of the Presidency of Bombay, and from all other courts, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

Hearing of reference cases, and revision of criminal trials.

28. And We do further, ordain that the said High Court of Judicature at Bombay shall be a court of reference and revision from the criminal courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers now authorized to refer cases to the said High Court, and to revise all such cases tried by any officer or court possessing criminal jurisdiction as are now subject to reference to or revision by the said High Court.

High Court may direct the transfer of a case from one Court to another.

29. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any Court to any other court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or court otherwise competent to investigate or try it, though such case belongs in ordinary course to the jurisdiction of some other officer or court.

Criminal Law.

Offenders to be punished under Indian Penal Code.

30. And We do further ordain that all persons brought for trial before the said High Court of Judicature at Bombay, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference, or revision, charged with any offence for which provision is made by Act [1] No. XLV of 1860, called the "Indian Penal Code," or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

[1] *See* now the revised edition of the Code, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865—*contd.*

Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.

Judges may be authorised to sit in any places by way of circuit or special commission.

31. And We do further ordain that whenever it shall appear to the Governor in Council convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court of Judicature at Bombay should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the said High Court other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places shall be regulated by any law relating thereto, which has been or may be made by competent legislative authority for India.

Admiralty and Vice-Admiralty Jurisdiction.

Civil.

32. And We do further ordain that the said High Court of Judicature at Bombay shall have and exercise all such civil and maritime jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in India, as may now be exercised by the said High Court.

Criminal.

33. And We do further ordain that the said High Court of Judicature at Bombay shall have and exercise all such criminal jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or Vice-Admiralty, or otherwise in connection with marine matters, or matters of prize.

Testamentary and Intestate Jurisdiction.

Testamentary and intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at Bombay shall have the like power and authority as that which may now be exercised by the said High Court in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever, of persons dying intestate, whether within or without the Presidency of Bombay: Provided always that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India by which power is given to any other Court to grant such probates and letters of administration.

Matrimonial Jurisdiction.

Matrimonial jurisdiction.

35. And We do further ordain that the said High Court of Judicature at Bombay shall have jurisdiction, within the Presidency of

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865—*contd.*

Bombay, in matters matrimonial between Our subjects professing the Christian religion: Provided always that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

Powers of Single Judges and Division Courts.

Single Judges and Division Courts.

36. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature at Bombay in the exercise of its original or appellate jurisdiction, may be performed by any Judge or any Division Court thereof, appointed or constituted for such purpose, under the provisions of the thirteenth section of the aforesaid [1]Act of the Twenty-fourth and Twenty-fifth Years of Our reign; and if such Division Court is composed of two or more Judges, and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

Civil Procedure.

Regulation of proceedings.

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at Bombay from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its admiralty, vice-admiralty, testamentary, intestate, and matrimonial jurisdiction respectively: Provided always that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the [2]Code of Civil Procedure, being an Act passed by the Governor General in Council, and being Act No. VIII of 1859, and the provisions of any law which has been made amending or altering the same by competent legislative authority for India.

Criminal Procedure.

Regulation of Proceedings.

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at Bombay in the exercise of its ordinary original criminal jurisdiction,

[1] The Indian High Courts Act, 1861. Collection of Statutes relating to India, Vol. I.
[2] *See* now Act XIV of 1882, as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being Act No. XXV of 1861,[1] or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

Appeals to Privy Council.

Power to appeal.

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at Bombay made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High Court under the provision contained in the fifteenth clause of these presents: Provided in either case that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

40. And We further ordain that it shall be lawful for the said High Court of Judicature at Bombay, at its discretion, on the motion, or if

[1] *See* now Act V of 1898, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865—*contd.*

the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

Appeal of criminal cases, &c.

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at Bombay, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner hereinbefore provided, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Rule as to transmission of copies of evidence and other documents.

42. And We do further ordain that in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at Bombay to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865—*concld.*

Calls for Records, &c., by the Government.

High Court to comply with requisition from Government for records, &c.

43. And it is Our further will and pleasure that the said High Court of Judicature at Bombay shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

Power of Indian Legislature preserved.

44. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth Years of Our Reign, chapter sixty-seven[1], and may be in all respects amended and altered thereby.

Provisions of former Letters Patent inconsistent with these Letters Patent to be void.

45. And it is Our further will and pleasure that these Letters Patent shall be published by the Governor in Council, and shall come into operation from and after the date of such publication, and that from and after the date on which effect shall have been given to them, so much of the aforesaid Letters Patent granted by His Majesty King George the Fourth as was not revoked or determined by the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void, to all intents and purposes whatsoever.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the Twenty-eighth Day of December in the Twenty-ninth Year of our Reign.

By Warrant under the Queen's Sign Manual.

[Statutory Rules and Orders Revised, Volume IV, p. 108.]

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866.

Recital of Act 24 & 25 Vict., cap. 104.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign intituled "An Act for establishing High Courts of Judicature in India[1]," it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

Kingdom, to erect and establish a High Court of Judicature at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, and that such High Court should consist of a Chief Justice and as many Judges, not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid the Supreme Court and the Court of Sudder Dewanny Adawlut and Sudder Nizamut Adawlut at Calcutta, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of justice in the said Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, however, to such directions and limitations, as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency town, as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

And whereas it is further declared by the said recited Act that it shall be lawful for Us by Letters Patent to erect and establish a High Court of Judicature in and for any portion of the territories within Her Majesty's Dominions in India, not included within the limits of the local jurisdiction of another High Court, to consist of a Chief Justice and such number of other Judges, with such qualifications as were by the same Act required in persons to be appointed to the High Courts established at the said Presidencies, as We from time to

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

time might think fit and appoint; and that subject to the directions of the Letters Patent, all the provisions of the said recited Act relative to High Courts and to the Chief Justice and other Judges of such Courts, and to the Governor General or Governor of the Presidency in which such High Courts were established, shall, as far as circumstances may permit, be applicable to any new High Court which may be established in the said territories, and to the Chief Justice and other Judges thereof, and to the persons administering the Government of the said territories:

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fourteenth day of May, in the twenty-fifth Year of Our Reign, in the Year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish, at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Fort William in Bengal, and did thereby constitute the said Court to be a Court of Record:

Establishment of High Court for the North-Western Provinces.

1. Now know ye that We, upon full consideration of the premises, and of Our especial grace, certain knowledge, and mere motion, have thought fit to erect and establish, and by these presents We do accordingly for Us, Our heirs and successors, erect and establish, for the North-Western Provinces of the Presidency of Fort William aforesaid, a High Court of Judicature which shall be called the High Court of Judicature for the North-Western Provinces, and We do hereby constitute the said Court to be a Court of Record.

Constitution and first Judges of the High Court.

2. And We do hereby appoint and ordain that the said High Court of Judicature for the North-Western Provinces shall, until further or other provision shall be made by Us, or Our heirs and successors in that behalf, in accordance with the said recited Act, consist of a Chief Justice and five Judges, the first Chief Justice being Walter Morgan, Esquire, and the five Judges being Alexander Ross, Esquire, William Edwards, Esquire, William Roberts, Esquire, Francis Boyle Pearson, Esquire, and Charles Arthur Turner, Esquire, being respectively qualified as in the said Act is declared.

Declaration to be made by Judges.

3. And We do hereby ordain that the Chief Justice and every Judge of the said High Court of Judicature for the North-Western Provinces, previously to entering upon the execution of the duties of his

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

office, shall make and subscribe the following declaration before such authority or person as the Governor General in Council may commission to receive it:—

"I, *A B*, appointed Chief Justice [*or* a Judge] of the High Court "of Judicature for the North-Western Provinces, do solemnly declare "that I will faithfully perform the duties of my office to the best of "my ability, knowledge, and judgment."

Seal.

4. And We do hereby grant, ordain, and appoint that the said High Court shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms, within an exergue or label surrounding the same, with this inscription, "The Seal of the High Court for the North-Western Provinces." And We do further grant, ordain, and appoint that the said Seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of section 7 of the said recited Act; and We do further grant, ordain, and appoint that, whensoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said Seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered to demand, seize, and take the said Seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

Writs, &c., to issue in name of the Crown and under seal.

5. And We do hereby further grant, ordain, and appoint that all writs, summons, precepts, rules, orders, and other mandatory process to be used, issued, or awarded by the said High Court of Judicature for the North-Western Provinces, shall run and be in the name and style of Us, or of Our Heirs and Successors, and shall be sealed with the seal of the said High Court.

Appointment of officers.

6. And We do hereby authorize and empower the Chief Justice of the said High Court of Judicature for the North-Western Provinces from time to time, as occasion may require, and subject to any rules and restrictions which may be prescribed by the Governor General in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Lieutenant-Governor of the North-Western Provinces, and shall be either confirmed or disallowed by

NATIONAL ARCHIVES OF INDIA

the said Lieutenant-Governor. And it is Our further will and pleasure, and We do hereby, for Us, Our Heirs and Successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall from time to time appoint for each office and place respectively, and as the Lieutenant-Governor of the North-Western Provinces, subject to the control of the Governor General in Council, shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor General in Council, and to absent himself from the said limits during the term of such leave, in accordance with the said rules.

Admission of Advocates, Vakeels and Attorneys.

Powers of High Court in admitting Advocates, Vakeels and Attorneys.

7. And We do hereby authorize and empower the said High Court of Judicature for the North-Western Provinces to approve, admit, and enrol such and so many Advocates, Vakeels and Attorneys, as to the said High Court shall seem meet; and such Advocates, Vakeels and Attorneys shall be and are hereby authorized to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions.

In making rules for the qualifications, &c., of Advocates, Vakeels and Attorneys.

8. And We do hereby ordain that the said High Court of Judicature for the North-Western Provinces shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

Civil Jurisdiction of the High Court.

Extraordinary original civil jurisdiction.

9. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court,

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

Appeal from the Courts of original jurisdiction to the High Court in its appellate jurisdiction.

10. And We do further ordain that an appeal shall lie to the said High Court of Judicature for the North-Western Provinces from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court or of one Judge of any Division Court, pursuant to section 13 of the said recited Act, and that an appeal shall also lie to the said High Court from the judgment (not being a sentence or order as aforesaid) of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of the appeal from other judgments of Judges of the said High Court, or of such Division Court in such case shall be to Us, Our Heirs or Successors, in Our or their Privy Council, as hereinafter provided.

Appeal from Courts in the Provinces.

11 And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall be a Court of Appeal from the Civil Courts of the North-Western Provinces, and from all other Courts to which there is now an appeal to the Sudder Dewanny Adawlut, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

Jurisdiction as to infants and lunatics.

12. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have the like power and authority with respect to the persons and estates of infants, idiots, and lunatics within the North-Western Provinces, as that which is exercised in the Bengal Division of the Presidency of Fort William by the High Court of Judicature at Fort William in Bengal, but subject to the provisions of any laws or regulations now in force.

Law to be administered by the High Court of Judicature for the North-Western Provinces.

By the High Court in the exercise of extraordinary original civil jurisdiction.

13. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature for the North-Western Provinces in the exercise of its extraordinary original civil jurisdiction, such law or equity shall, until otherwise provided, be the law or equity which would have been applied to such case by any local Court having jurisdiction therein.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 AND 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

By the High Court in the exercise of appellate jurisdiction.

14. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature for the North-Western Provinces, to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

Criminal Jurisdiction.

Ordinary original jurisdiction of the High Court.

15. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have ordinary original criminal jurisdiction in respect of all such persons within the said Provinces as the High Court of Judicature at Fort William in Bengal shall have criminal jurisdiction over at the date of the publication of these presents; and the criminal jurisdiction of the said last-mentioned High Court over such persons shall cease at such date: Provided nevertheless that criminal proceedings which shall at such date have been commenced in the said last-mentioned High Court shall continue as if these presents had not been issued.

Jurisdiction as to persons.

16. And We do further ordain that the said High Court of Judicature for the North-Western Provinces, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

17. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any court now subject to the superintendence of the Sudder Nizamat Adawlut, and shall have authority to try at its discretion any such persons brought before it on charges preferred by any Magistrate or other officer specially empowered by the Government in that behalf.

No appeal from High Court exercising original jurisdiction. Court may reserve point of law.

18. And We do further ordain that there shall be no appeal to the said High Court from any sentence or order passed or made in any criminal trial before the courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

High Court to review cases on points of law reserved by

19. And We do further ordain that, on such point or points of law being so reserved as aforesaid, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and

NATIONAL ARCHIVES OF INDIA

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

thereupon to alter the sentence passed by the court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right. — one or more Judges of the said High Court.

20. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall be a Court of appeal from the criminal courts of the said Provinces, and from all other Courts from which there is now an appeal to the Court of Sudder Nizamut Adawlut for the said Provinces, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said Court of Sudder Adawlut by virtue of any law now in force. — Appeals from criminal courts in the Provinces.

21. And We do further ordain that the said High Court shall be a Court of reference and revision from the criminal courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers now authorized to refer cases to the Court of Sudder Nizamut Adawlut of the North-Western Provinces, and to revise all such cases tried by any officer or court possessing criminal jurisdiction, as are now subject to reference to or revision by the said Court of Sudder Nizamut Adawlut. — Hearing of referred cases, and revision of criminal trials.

22. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any court to any other court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or court otherwise competent to investigate or try it, though such case belongs in ordinary course to the jurisdiction of some other officer or court. — High Court may direct the transfer of a case from one court to another.

Criminal law.

23. And We do further ordain that all persons brought for trial before the said High Court of Judicature for the North-Western Provinces either in the exercise of its original jurisdiction or in the exercise of its jurisdiction as a court of appeal, reference, or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code[1]," or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise. — Offenders to be punished under Indian Penal Code.

[1] *See* now the revised edition of the Code, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 & 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.

Judges may be authorised to sit in any places by way of circuit or special commission.

24. And We do further ordain that whenever it shall appear to the Lieutenant-Governor of the North-Western Provinces, subject to the control of the Governor General in Council, convenient that the jurisdiction and power by these our Letters Patent, or by the recited Act, vested in the said High Court, should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the Sudder Dewanny Adawlut or the Sudder Nizamut Adawlut of the North-Western Provinces, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places shall be regulated by any law relating thereto which has been or may be made by competent legislative authority for India.

Testamentary and Intestate Jurisdiction.

Testamentary and intestate jurisdiction.

25. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have the like power and authority as that which is now lawfully exercised within the said Provinces by the said High Court of Judicature at Fort William in Bengal, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits and all other effects whatsoever of persons dying intestate; and that the jurisdiction of the said last-mentioned High Court in relation thereto shall cease from the date of the publication of these presents: Provided always, that any proceedings already commenced in relation to any of the matters aforesaid in the said last-mentioned High Court shall continue as if these presents had not been issued: Provided also, that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

Matrimonial Jurisdiction.

Matrimonial jurisdiction.

26. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have jurisdiction, within the said Provinces, in matters matrimonial between Our subjects professing the Christian religion: Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Provinces lawfully possessed thereof.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 & 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

Powers of single Judges and Division Courts.

Single Judges and Division Courts.

27. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature for the North-Western Provinces, in the exercise of its original or appellate jurisdiction, may be performed by any Judge or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act of the Twenty-fourth and Twenty-fifth Years of Our reign[1]; and if such Division Court is composed of two or more Judges and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

Civil Procedure.

Regulation of proceedings.

28. And We do further ordain that it shall be lawful for the said High Court of Judicature for the North-Western Provinces from time to time to make rules and orders for the purpose of adapting, as far as possible, the provisions of the Code of Civil Procedure, being an Act passed by the Governor General in Council, and being Act No. VIII of 1859[2], and the provisions of any law which has been or may be made, amending or altering the same, by competent legislative authority for India, to all proceedings in its testamentary, intestate, and matrimonial jurisdiction respectively.

Criminal Procedure.

Regulation of proceedings.

29. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court, in the exercise of its ordinary original criminal jurisdiction, shall be regulated by the procedure and practice which was in use in the High Court of Judicature for Fort William in Bengal immediately before the publication of these presents, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the [3]Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being Act No. XXV of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

[1] The Indian High Courts Act, 1861, Collection of Statutes relating to India, Vol. I.

[2] *See* now Act XIV of 1882, as modified up to 1st December, 1899.

[3] *See* now Act V of 1898, as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 & 25 VICT., C. 104)—*contd.*

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*contd.*

Appeals to Privy Council.

Power to appeal.

30. And we do further ordain that any person or persons may appeal to Us, Our Heirs and Successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature for the North-Western Provinces made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High Court, under the provision contained in the 10th clause of these presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our Heirs, or Successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Provinces; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

31. And We further ordain that it shall be lawful for the said High Court of Judicature for the North-Western Provinces, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition, of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our Heirs and Successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed, respecting appeals from final judgments, decrees, orders, and sentences.

Appeal in criminal cases, &c.

32. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature for the North-Western Provinces, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of

NATIONAL ARCHIVES OF INDIA

law have been reserved for the opinion of the said High Court in manner hereinbefore provided, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our Heirs or Successors, in Council; provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Rules as to transmission of copies of evidence and other documents.

33. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature for the North-Western Provinces to Us, Our Heirs or Successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our Heirs and Successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our Heirs and Successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our Heirs or Successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our Heirs or Successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

Calls for Records, &c., by the Government.

High Court to comply with requisition from Government for records, &c.

34. And it is Our further will and pleasure that the said High Court of Judicature for the North-Western Provinces shall comply with such requisitions as may be made by the Government for records, returns, and statements in such form and manner as such Government may deem proper.

Powers of Indian Legislature preserved.

35. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor General in Council, exercised at meetings for the

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1861 (24 & 25 VICT., C. 104)—*concld.*

Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1866—*concld.*

purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth years of Our Reign, chapter Sixty-seven[1], and may be in all respects amended and altered thereby. In witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the Seventeenth day of March in the Twenty-ninth year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

[Statutory Rules and Orders Revised, Vol. V, p. 1217.]

NATIONAL ARCHIVES OF INDIA

[1] The Indian Councils Act, 1861, Collection of Statutes relating to India, Volume I.

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1865 (28 VICT., C. 15).

Jurisdiction by High Courts in British India over European British subjects in Native States in India.

No. 178-J., dated the 23rd September, 1874.—With reference to Notification No. 1203 of this date, in the Home Department, the Governor General in Council is pleased, in the exercise of the powers conferred by the [1] 28th Victoria, cap. 15, section 3, to make the following orders :—

Original and appellate criminal jurisdiction over European British subjects of Her Majesty, being Christians, resident in the Native States, Territories, and Chiefships, below named, shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at Fort William, Madras, Bombay, and in the North-Western Provinces, respectively, as follows :—

I.—By the High Court at Fort William in—

Manipur.
Kuch Behar.
The States in the Khasia Hills.
The Katak Tributary Mahals.
The Tributary Mahals of Chutia Nagpur[2] [other than the Mahals of Sirguja, Udaipur, Jashpur, Korea and Chang Bhakar].
[2][The Feudatory States of Patna, Kalahandi, Sonpur, Bamra and Rehrakhol.]
Sikkim.
Bhutan.
Hill Tipperah.
Nepal.
The Territories of Chiefs or Tribes adjoining the Bengal Frontier.

II.—By the High Court at Madras in—

Mysore.
Travancore
Cochin.
Pudukottai.
Banganapalle.
Sandur.

III.—By the High Court at Bombay in—

The Haidarabad Assigned Districts.
Haidarabad, excepting the Assigned Districts.
Ali Morad's territory in Upper Sindh.
Kolhapur.

[1] The Indian High Courts Act, 1865, Collection of Statutes relating to India, Vol. I.

[2] Added by Notification No. 4365-I. B., dated the 20th October, 1905, Gazette of India, Pt. I, p. 739.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1865 (28 VICT., C. 15)—*contd.*

Jurisdiction by High Courts in British India over European British subjects in Native States in India—*contd.*

III.—By the High Court at Bombay in—*contd.*

Sawant Wari.

The Southern Mahratta States.

The Satara Jagirs.

Jangira.

Suchin.

Bansd.

Dharamp

Jawar.

Cambay.

The Gaikwad's Territories.

The States in Kathiawad.

Kachh.

The States in the Pahlanpur Agency.

The States in the Mahi Kanta Agency

The States in the Rewa Kanta Agency

* * * * * * * *

The Territories of Chiefs or Tribes adjoining the Sindh Frontier.

Bhopal.

Gwalior, districts of—

Amjhera.
Agar.
Bag.
Diktan.
Mandisur.
Nimuch.
Ujein.
Sagor.
Sujawalpur.
Sonkach

With the several Parganas subordinate thereto, included in the charge of Sindia's Sir Subah of Malwa.

and

Bhilsa.
Ganj Baroda.
Malharghar.
Maksudanghar.

With the several Parganas subordinate thereto, which form part of the charge of Sindia's Sir Subah of Esanghar.

Jalra Patan, districts of—

Gangrar.
Pach Pehar.
Dag.

Tonk, districts of—

Pirawa.
Nimbhera.
Seronje.

[1] The words "Penth, in the Ahmadnagar Collectorate" were repealed by Notification No. 4365-I. B., dated the 20th October, 1905, *see* Gazette of India, 1905, Pt. I, p. 739.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1865 (28 VICT., C. 15)—*contd.*

Jurisdiction by High Courts in British India over European British subjects in Native States in India—*contd.*

III.—By the High Court at Bombay in—*concld.*

Barwani.

Dewas.

Dhar.

Indore, excepting the District of Alampur in Bundelkhand.

Jobatt.

Burwai.

Kattiwara.

Muhammadgarh.

Matwara.

Rattan Mal.

Ali Rajpur.

Jhabua.

Jaura.

Kilchipur.

Narsinghar.

Rajghar.

Ratlam.

Sitamau.

Sillana

Meywar.

Pertabghar.

Marwar.

Dungarpur.

Banswara.

Jhalawar.

Serohi.

Jaisalmer.

The [1][following] Feudatory States in the Central Provinces, *viz.* :—

* * *[1]

Raigarh Bargarh.

Sarangarh.

* [1]

* [1]

* [1]

* [1]

Sakti.

Kawarda.

Khairagarh.

Nandgaon.

Kondka or Chhuikhadan.

Kanker.

Bastar.

Makrai.

[1] The word "following" was added before "Feudatory" and the words "Kalahandi or Karond," "Patna," "Sonepur," "Rairakhol" and "Bamra" were repealed by Notification No. 4365-I. B., dated the 20th October, 1905, *see* Gazette of India, 1905, Pt. I, p. 739.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1865 (28 VICT., C. 15)—*contd.*

Jurisdiction by High Courts in British India over European British subjects in Native States in India—*contd.*

IV.—By the High Court of the North-Western Provinces in—

[1]The tributary Mahals of Jashpur, Sirguja, Udaipur, Korea and Chang Bakar.

Garhwal.

Dholpur.

Bhartpur.

Alwar.

Jeypur.

Keroli.

Tonk, with the exception of Pirawa, Nimbhera and Seronje.

Kotah.

Bundi.

Kishengarh.

Bikaner.

Shapura.

Rampur.

Gwalior.—The whole of the State, excepting the Sir Subahship of Malwa and the districts under the Sir Subah of Esanghar, enumerated above.

The Mairwara parganas belonging to Meywar and Marwar.

Bandelkhand States and Chiefships—

Adjeygarh.

Alipura.

Baoni.

Beronda.

Behat.

Behri.

Bhaisonda.

Bijawar.

Bijna.

Chirkhari.

Chatrapur.

Dhurwai.

Dhattiah.

Gerauli.

Gaurihar.

Jigni.

Jassu.

Kamta Rijola.

Koti.

Kanniadhana.

Logasi.

Maihir.

Nagod.

Naiagoan Rebai.

Urcha.

[1] Added by Notification No. 4365-I. B., dated the 20th October, 1905, *see* Gazette of India, 1905, Pt. I, p. 739.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1865 (28 VICT., C. 15)—*contd.*

Jurisdiction by High Courts in British India over European British subjects in Native States in India—*concld.*

Pahari Banka.	Sohawal.
Pahara Chaube.	Sampthar.
Paldeo.	Surila.
Panna.	Tiraon.
Rewah.	Tori Fattehpur.

Holkar's District of Alampur.

[*See* Gazette of India, 1874, Pt. I, p. 485.]

Jurisdiction by High Courts over European British subjects in districts of British India not included within the local limits of the jurisdiction of these Courts.

No. 1203-J., dated the 23rd September, 1874.—In exercise of the powers conferred by the twenty-eighth of Victoria, cap. 15[1], section 3, the Governor General in Council is pleased to make the following orders:—

I.—Original and appellate criminal jurisdiction shall be hereafter exercised over European British subjects of Her Majesty by the several High Courts established at Madras and Bombay, and in the North-Western Provinces of India, respectively, as below provided:—

By the High Court at Madras in—

Coorg.

Upper Godavari District of the Central Provinces.

By the High Court at Bombay in—

The Nagpur and Narbada Divisions of the Central Provinces.
The Chattisgarh Division of the Central Provinces.
The Pargana of Manpur, in Central India.

By the High Court of the North-Western Provinces in—

Oudh.
The Jabalpur Division of the Central Provinces.

[1] The Indian High Courts Act, 1865, Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

INDIAN HIGH COURTS ACT, 1865 (28 VICT., C. 15)—*concld.*

Jurisdiction by High Courts over European British subjects in districts of British India not included within the local limits of the jurisdiction of these Courts—*contd.*

The line of Railway from Allahabad to Jabalpur, and the lands and buildings appurtenant thereto other than the Station at Satna.

[1] *Morar Cantonment,* Ajmir, and British Mairwara.

II.—The line of Railway from Allahabad to Jabalpur, and the lands and buildings appurtenant thereto, shall be deemed to be part of the District of Allahabad for the purpose of the trial by the Court of Sessions at Allahabad of offences cognizable by a Court of Sessions, and alleged to have been committed on the said line of Railway lands, and buildings.

This Notification cancels the Notifications numbered and dated respectively as follows:—

Home Department No. 221, dated 10th January, 1867.
" " " 4919, dated 27th October, 1869.
" " (Judicial), No. 880, dated 31st May, 1871.

[*See* Gazette of India, 1874, Pt. I, p. 484.]

Inclusion of Sambalpur District within Jurisdiction of the High Court at Fort William in Bengal.

No. 1363-J., dated the 1st September, 1905.—In exercise of the power conferred by the [2]Indian High Courts Act, 1865 (28 & 29 Vict., c. 15), section 3, the Governor General in Council is pleased to authorize and empower the High Court of Judicature at Fort William in Bengal to exercise, with effect from the sixteenth day of October, one thousand nine hundred and five, within that portion of His Majesty's dominions in India which is comprised within the limits of the Sambalpur District (except the Chandarpur-Padampur Zamindari and the Puljhar Zamindari), and is not included within the limits of the places for which the said High Court was established, all such jurisdiction and powers as the said High Court may from time to time exercise within the limits of the places for which the said High Court was established.

[*See* Gazette of India, 1905, Pt. I, p. 637.]

[1] The Cantonment of Morar was restored to the Maharaja of Scindhia in 1886, *see* the Jhansi and Morar Act, 1886 (XVII of 1885), United Provinces Code, Vol. I, Ed. 1906.
[2] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1865 (28 & 29 VICT., C. 17).

Alteration in designation of the North-Western Provinces and Oudh.

No. 996-P., dated the 22nd March, 1902.—Whereas the territories under the dominion of His Majesty the King, Emperor of India, now designated and known as the North-Western Provinces and Oudh, are respectively administered by a Lieutenant-Governor and a Chief Commissioner;

And whereas the said territories, though separate in name and style, are united in fact for administrative purposes, the offices of Lieutenant-Governor and Chief Commissioner being filled by the same person; and it is expedient that the said territories should henceforth be regarded as, and form, one province under the administration of a Lieutenant-Governor;

And whereas it was contemplated by section 38 of the [1]Government of India Act, 1833 (3 & 4 Will. 4, c. 85), the provisions of which section were and now remain suspended by virtue of the provisions of the [1]India (North-Western Provinces) Act, 1835 (5 & 6 Will. 4, c. 52), and of section 15 of the [1] Government of India Act, 1853 (16 & 17 Vict., c. 95), that the North-Western Provinces, then under the Presidency of Fort William in Bengal, should be known as the Presidency of Agra:

Know all men, and it is hereby proclaimed, that, in exercise of the powers conferred by section 4 of the [1]Government of India Act, 1865 (28 & 29 Vict., c. 17), and with the sanction of His Majesty the King, Emperor of India, signified by His Majesty's Secretary of State in Council of India, His Excellency the Viceroy and Governor General of India in Council is pleased to direct that the territories now under the administration of the Chief Commissioner of Oudh shall henceforth form part of, and be subject to, the Lieutenant-Governorship of the North-Western Provinces, and that the Lieutenant-Governorship so constituted as aforesaid shall be designated the Lieutenant-Governorship of the United Provinces of Agra and Oudh.

[*See* Gazette of India, 1902, Pt. I, p. 228.]

Aden and its dependencies included in Bombay Presidency.

No. 2080-E., dated the 7th September, 1886.—In exercise of the powers vested in him by the Statute 28 & 29 Vict., cap. 17[1], section 4, and in supersession of the proclamations cited marginally, the Governor General in Council is pleased to declare that the settlement of Aden and its dependencies, including the villages of Shaikh Othman, Imad and Hiswah, the Island of Perim, and Little Aden, are and shall be subject to the Government of Bombay.

Nos. 762-E. and 430-E., dated respectively the 24th April, 1883, and the 13t February, 1884.

[*See* Gazette of India, 1886, Pt. I, p. 521.]

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1865 (28 & 29 VICT., C. 17)—*concld.*

Transfer of the Sambalpur District of the Central Provinces to Bengal.

No. 2833-P., dated the 1st September, 1905.—In exercise of the powers vested in him by section 4 of the [1]Government of India Act, 1865 (28 & 29 Vict., c. 17), the Governor General in Council is pleased to declare and appoint that, with effect from the sixteenth day of October, one thousand nine hundred and five, the District of Sambalpur (except the Chandarpur-Padampur Zamindari and the Phuljhar Zamindari), which now forms part of the Central Provinces, shall cease to form part of those Provinces, and shall be subject to and included within the limits of the Bengal Division of the Presidency of Fort William.

[*See* Gazette of India, 1905, Pt. I, p. 636.]

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., C. 3).

Appointment of Natives of India to the Indian Civil Service.

No. 2159-P., dated the 2nd November, 1892.—In exercise of the power conferred by [1] Statute 33 Victoria, cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August, 1879, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:

1. The Local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability, to any of the offices, places, and employments ordinarily held by members of the Civil Service of India, to fill which it has been declared by such Local Government (by notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed; provided that no appointment shall be made to the office of District and Sessions Judge, or Chief Administrative Officer of a district, or to any administrative office of higher rank, if the vacancy to be filled is permanent, or for a period of more than three months, without the sanction of the Governor General of India in Council.

2. The Local Government may, with the previous sanction of the Governor General in Council (but not otherwise), at any time appoint any Native of India of proved merit and ability to any of the offices, places, and employments specified by such Local Government in any such notification as in rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to that Local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict, cap. 3[1], section 6, to an office, place, or employment in the Civil Service of India.

3. The Local Government may (with the previous sanction of the Governor General in Council, in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The Local Government may at any time suspend and, with the previous sanction of the Governor General in Council, remove any person appointed by such Local Government under these rules.

[*See* Gazette of India, 1892, Pt. I, p. 675.]

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1873 (33 VICT., C. 3)—*contd.*

Appointment of Subordinate Judges, Madras.

No. 67-P., dated the 24th January, 1895.—In exercise of the power conferred by the Statute 33 Vict., cap. 3[1], section 6, and in continuation of the rules published in [2]Notification No. 2159, dated the 2nd November, 1892, the Governor General in Council has been pleased to make the following rule, which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

> The Government of Madras may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge
>
> [*See* Gazette of India, 1895, Pt. I, p. 33.]

Appointment of Subordinate Judges, Bengal.

No. 1859-P., dated the 8th November, 1895.—In exercise of the power conferred by the Statute 33 Vict., cap. 3,[1] section 6, and in continuation of the rules published in [2]Notification No. 2159, dated the 2nd November, 1892, and No. 67, dated the 24th January, 1895, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

> The Government of Bengal may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.
>
> [*See* Gazette of India, 1895, Pt. I, p. 903.]

Appointment of Subordinate Judges, North-Western Provinces (Province of Agra).

No. 2159, dated 2nd November, 1892.
No. 67, dated 24th January, 1895.
No. 1859, dated 8th November, 1895.

No. 661-P., dated the 26th March, 1896.—In exercise of the power conferred by the Statute 33 Vict., cap 3[1], section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

> The Government of the North-Western Provinces may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.
>
> [*See* Gazette of India, 1896, Pt. I, p. 205.]

[1] Collection of Statutes relating to India, Vol. I.
[2] *Supra*, page 79.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., C. 3)—*contd.*

Appointment of Subordinate Judges, Bombay.

No. 1713-P., dated the 30th October, 1896.—In exercise of the power conferred by the [1]Statute 33 Vict., cap. 3, section 6, and in continuation of the rules published in the [2]Notifications marginally noted, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

No. 2159, dated 2nd November, 1892. No. 67, dated 24th January, 1895. No. 1859, dated 8th November, 1895. No. 661, dated 26th March, 1896.

The Government of Bombay may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

[*See* Gazette of India, 1896, Pt. I, p. 866.]

Allowances of Natives of India appointed to the Civil Service.

No. 1187, dated the 8th June, 1880.—Rules regarding the rank and allowances of Natives of India appointed to offices in Her Majesty's Civil Service of India, in accordance with the Rules framed under [1]Act 33 Vict., cap. 3.

1. (*a*) A Native Civil Servant is a member of the Covenanted Civil Service in the Presidency to which he belongs, and, ordinarily, ranks, in that Service, according to the date of his appointment to an office in the Covenanted Civil Service, his name being entered in the Civil List accordingly.

(*b*) But if an Officer is appointed to an office in the Covenanted Civil Service upon the ground of his proved merit and ability, or professional attainments, the Governor General in Council may, upon the recommendation of the Local Government, assign to him superior rank in the Service.

2. The pay of an office when held by a Native Civil Servant shall be, as nearly as convenient, two-thirds of what it would be if the office were held by a Covenanted Civil Servant appointed in England, less the subscription paid by such a Servant on account of his Annuity.

(NOTE.—Thus the proportion of the pay of a Native Civil Servant to the gross pay of a Covenanted Civil Servant appointed after competitive examination in England, will be, as nearly as convenient, 64 per cent.)

[1] Collection of Statutes relating to India, Vol. I.
[2] *Supra*, pages 79 and 80.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., C. 3)—*contd.*

Allowances of Natives of India appointed to the Civil Service—*contd.*

3. The Subsistence Allowance of a Native Civil Servant when out of employ is as follows :—

	Rs.
To an Officer who has rendered not more than eight years' Active Service as defined in Section 1 (*a*) of Part II of Supplement A of the Civil Pension Code ...	250
To an Officer who has rendered more than eight, but less than twelve, years' such Active Service	320
To an Officer who has rendered not less than twelve years' such Active Service	400

4. The rules for the Pension and Leave of a Native Civil Servant are contained in the following additions to the Civil Pension and Leave Codes :—

CIVIL PENSION CODE.[1]

SECTION 2 (J).

Page 2.

Add—

and includes a Native Civil Servant.

(JJ.) A Native Civil Servant is a Native of India appointed to an office in the Covenanted Civil Service in accordance with the Rules framed under Section 6, Act 33 Vict., cap. 3.

SUPPLEMENT A.

Page 115.

After "COVENANTED CIVIL SERVANTS" *insert*—

PART I.

Civil Servants appointed by the Honourable East India Company, or after competitive examination in England by Her Majesty's Secretary of State for India.

Page 120.

Insert the following after Section 9 :—

PART II.

NATIVE CIVIL SERVANTS.

Section 1.—In this Part—

(*a*) "Active Service" means Active Service in the Covenanted Civil Service, and includes—

(1) Time spent on duty :

(2) Any period, not exceeding two years, spent on probation in India :

[1] *See* now the Civil Service Regulations.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 187c (33 VICT., c. 3)—*contd.*

Allowances of Natives of India appointed to the Civil Service—*contd.*

(3) Privilege Leave of Absence:

(4) Subsidiary Leave of Absence:

(5) Time passed in India out of employ on Subsistence Allowance.

Section 2.—Except with the special sanction of the Governor General in Council, a Native Civil Servant, who has reached the age of fifty-five years, shall not be appointed, either substantively or officiating, to a new office, or be permitted to retain any office, which he has held, either substantively or officiating, for five years.

Section 3.—The pension of a Native Civil Servant shall in no case exceed the following limits, namely—

	Rs.
After an Active Service of not less than 25 years	5,000
After an Active Service of not less than 30 years	6,000

All the rules in this Part are subject to these maxima.

Section 4 (a).—On his resignation of the service being accepted after not less than 25 years' Active Service, a Native Civil Servant is entitled to a Retiring Pension of half his Average Salary during the three last years of his Active Service.

(*b*) A Native Civil Servant who, upon a medical certificate in the form prescribed in Section 63 of the Code, is permitted to resign the service before he has completed 25 years' Active Service, is entitled to Invalid Pension as follows:—

(1) After an Active Service of less than ten years—Gratuity of one month's pay for each year of Active Service;

(2) After an Active Service of not less than ten years—Pension of Rs. 1,500 a year, *plus* Rs. 150 for each complete year of Active Service in excess of ten.

Section 5 (a).—A Native Civil Servant removed from the Service, under Section 2, after an Active Service of less than 25 years, is entitled to a Superannuation Pension.

(*b*) On reaching the age of 55 years, a Native Civil Servant may retire upon a Superannuation Pension.

(*c*) The amount of a Superannuation Pension is the same as that of an Invalid Pension.

Section 6 (a).—A Native Civil Servant who filled a pensionable office before his admission to the Covenanted Civil Service, may, at his option, count his whole pensionable service and receive a consolidated pension, made up as follows:—

(1) That proportion of the pension to which he would have been entitled under Sections 4 and 5, if his whole service

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., C. 3)—*contd.*

Allowances of Natives of India appointed to the Civil Service—*contd.*

had been passed in the Covenanted Civil Service, which his Active Service bears to the whole of his qualifying service.

(2) That proportion of the pension to which he would have been entitled if his whole service had been in the Uncovenanted service, which his previous service bears to the whole of his qualifying service.

(*b*) If such Native Civil Servant is entitled to gratuity only, his gratuity shall be calculated as if his whole service had been passed in the Covenanted Civil Service.

Section 7.—The procedure upon an application for pension and upon the payment of pension is that described in Rule I under Section 6 of Part I of this Supplement and Chapters XVI and XVII of the Code respectively.

CIVIL LEAVE CODE.[1]

SECTION 2.

Page 135.

Add to Clause (*a*) :—

In Supplement C, but not elsewhere, it includes a Native Civil Servant.

Add the following clause to this section :—

(*aa*). A " Native Civil Servant " means a Native of India appointed to an office in the Covenanted Civil Service, in accordance with the rules framed under Section 6,[2] Act 33 Vict., cap. 3.

SECTION 3.

Page 141.

Insert—

Native Civil Servants.—SUPPLEMENT BB.

Page 233.

Add—

SUPPLEMENT BB.

Native Civil Servants.

Section 1.—In this Supplement—

" Average Salary " means Average Salary for a month, calculated for so much of the three years immediately preceding the day on

[1] *See* now the Civil Service Regulations.
[2] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., C. 3)—*contd.*

Allowances of Natives of India appointed to the Civil Service—*contd.*

which a Native Civil Servant gives up office as he has passed on duty, or on privilege or examination leave. Average Salary in excess of Rs. 1,400 a month is not reckoned.

"Service" means all qualifying service whether rendered in the Covenanted Civil Service or otherwise, and includes periods spent on leave with allowances.

Section 2.—During leave on Medical Certificate in excess of 15 months at one time or of 30 months in all, and during Subsidiary leave following such excess leave, a Native Civil Servant is entitled to a quarter of his average salary. During any other leave excepting Privilege leave, Examination leave, or Extraordinary leave an officer is entitled to half his average salary :

Provided that the leave allowances of an officer shall in no case exceed his actual salary when he was last before on duty.

Section 3.—Leave on Medical Certificate may be granted for three years in all, but not for more than two years at one time.

Section 4.—An officer may take either leave on Private Affairs or Furlough, as follows, but not both these kinds of leave.

(*b*) Leave on Private Affairs may be taken, first, after not less than six years' service, and, thereafter, at intervals of not less than six years. The duration of leave on Private Affairs must not exceed six months at one time.

(*c*) Furlough, not exceeding two years in all, may be taken, first, after not less than ten years' service, and, thereafter, at intervals of not less than eight years. The duration of Furlough must not exceed one year at one time, unless it be taken, for the first time, after not less than eighteen years' service, when it may extend to two years.

Section 5.—Subsidiary Leave, Privilege Leave, and Examination Leave may be granted to a Native Civil Servant under Chapters VI, VII, and VIII of the Code.

Section 6.—The Local Government may grant Extraordinary Leave without allowances at its discretion. Subject to the provisions of Section 10, there is no limit to the length or frequency of Leave under this Section; and it may be granted in continuation of any Leave with allowances excepting Privilege Leave.

Section 7.—Leave taken by a Native Civil Servant before his appointment to an office in the Covenanted Civil Service, shall, for

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., C. 3)—*contd.*

Allowances of Natives of India appointed to the Civil Service—*contd.*

tne purpose of calculating the Leave admissible to him under this Supplement, be treated as Leave taken under this Supplement.

Section 8.—Leave on Private Affairs or Furlough may not be granted in continuation of any Leave except Subsidiary Leave; but any Leave granted under these Rules may be retrospectively changed for any other kind or amount of Leave, which might at first have been granted. If a Native Civil Servant absent on Privilege Leave, Leave on Private Affairs, or Furlough, takes extension of Leave on Medical Certificate, the whole of his absence must be treated as Leave on Medical Certificate.

1. Extraordinary Leave cannot be changed retrospectively into Leave on Medical Certificate; but Leave on Medical Certificate may be given in continuation of Extraordinary Leave.

Section 9.—A Native Civil Servant who has reached the age of fifty-five years is not eligible for any Leave, excepting Privilege Leave. Leave, other than Privilege Leave, granted to a Native Civil Servant before his fifty-fifth birthday cannot extend beyond that date.

Section 10.—If a Native Civil Servant is absent without leave, or remains absent after the end of Leave (excepting Privilege Leave, in which case a week's grace is allowed), he vacates his appointment; and, after five years' continuous absence from duty, whether with or without leave, a Native Civil Servant ceases to belong to the Public Service.

1. A Native Civil Servant who takes Leave, other than Privilege Leave or Examination Leave, has no claim to return to the particular appointment from which he took Leave.

Section 12.—The procedure upon Application for Leave is that prescribed in Chapter XIV of the Code.

SUPPLEMENT B.

RULE XXIV.

Page 232.

After "Servant" add "or a Native Civil Servant."

After "Servants" add "or Native Civil Servants, as the case may be."

NATIONAL ARCHIVES OF INDIA

THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., C. 3)—*concld.*

Allowances of Natives of India appointed to the Civil Service—*concld.*

ACTING ALLOWANCE CODE.[1]

SECTION 2.

Page 266.

Add—

Including a Native of India appointed to an office in the Covenanted Civil Service in accordance with the Rules framed under Section 6, [2]Act 33 Vict., cap. 3.

CHAPTER II.

Page 269.

Add—

Section 9A.—The pay of an office held by a Native Civil Servant is, unless otherwise specially ordered, 64 per cent. of what would be the gross pay of the office if it were held by a Covenanted Civil Servant appointed after competitive examination in England.

[*See* Gazette of India, 1880, Pt. I, p. 315.]

[1] *See* now the Civil Service Regulations.
[2] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14).

Certificates of re-admission to British nationality.

No. 360-P., dated 23rd January, 1879.—The following Regulations with appended instructions for the grant to applicants in British India of certificates of re-admission to British nationality under Section VIII of [1]Act 33 Vict., cap. 14, are published for general information :—

NATURALIZATION ACTS, 1870.

Regulations.

In exercise of the powers contained in the Naturalization Acts, 1870, I, the Right Honourable Gathorne Hardy, Viscount Cranbrook, one of Her Majesty's Principal Secretaries of State, make the following Regulations :—

Forms.

1. The form of certificate granted in pursuance of the said Acts shall be as follows:—

NATURALIZATION ACTS, 1870.

Certificate of re-admission to British nationality.

Whereas

has presented to the Right Honourable the Governor General of India in Council, a memorial praying for a certificate of re-admission to British nationality, and alleging that he was a natural-born British subject, and that he became an alien by being naturalized as a subject (or *citizen*) of* on the day of 18 . That he is and that in the period of eight years preceding his application, he has resided for five years within British India or : has been for five years in the service of the Crown as

And intends, if he receives the certificate of re-admission to British nationality, for which he prays, to reside within British India (or *to serve under the Crown*) :

And whereas the Governor General in Council has inquired into the circumstances of the case, and has received such evidence as the Governor General in Council has deemed necessary for proving the truth of the allegations contained in such memorial :

And whereas the said has taken the oath of allegiance:

Now, in pursuance of the authority given to him by the said Acts, the Governor General in Council grants to the aforesaid this certificate, and declares that, as from the date of this certificate, but

*Where the applicant is a widow, the form must be modified accordingly, and recite the allegation in the memorial that the applicant became an alien by marriage with her late husband, a subject (or citizen) of

[1] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Certificates of re-admission to British nationality—*contd.*

not in respect of any previous transaction, he is hereby re-admitted to the status of a British subject; with this qualification, that within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject (or *citizen*) of that State according to the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof, A. B., a Secretary to the Government of India, has hereto subscribed his name this

18 .

(Signed) A. B.,
Secretary to the Government of India.

NATURALIZATION ACTS, 1870.

Oath of Allegiance.

No.

II. The form in which the oath of allegiance shall be subscribed shall be as follows—

I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

(Signed)

Sworn and subscribed this day of before me,

(Signed)
Justice of Peace (or other official title).

NATURALIZATION ACTS, 1870.

Instructions to Applicants in British India for Certificates of re-admission to British nationality.

The following instructions do not apply in the case of aliens who desire no more than re-admission to British nationality within the limits of British India. For their case sufficient provision is made in [1] Act No. XXX of 1852 (*for the Naturalization of Aliens*):—

1. Any person resident in British India, who desires to obtain a certificate of re-admission to British nationality, so as to carry the

[1] *See* the Act as modified up to 1st December, 1902.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Certificates of re-admission to British nationality—*contd.*

privileges thereby conferred beyond the limits of British India, must present to the Government of India, in the Home Department, a memorial praying for the grant of such certificate.

2. The memorial must state,—

(1) The name, address, age, profession, trade or other occupation of the applicant.

(2) Whether the applicant is married, and has any children under age residing with him, and, if so, state their names and ages.

(3) That the applicant was a natural-born British subject, by reason of having been born in British territory, or by reason of his or her father or grandfather by the father's side having been a British subject.

(4) That the applicant became the subject or citizen of a foreign State; the name of the foreign State must be specified, and the mode in which the applicant became an alien: if the applicant became an alien by naturalization, the date of such naturalization must be mentioned, or if the applicant be a widow who became an alien by marriage with her late husband, the date and place of such marriage, the name of her husband, and the foreign State of which he was a subject, must be mentioned.

(5) That during the period of eight years preceding the application the applicant has for five years resided within British India (the place or places of such residence being specified) *or* that during the same period of eight years he has for five years been in the service of the Crown (the post in which he served being specified).

(6) That the applicant intends to reside in British India, or to serve under the Crown.

3. The applicant must verify the statements in his memorial by a declaration made before the Magistrate of the district, or a Magistrate of Police.

4. The statements in the memorial must be further verified, and the respectability and loyalty of applicant vouched for, by declaration made in like manner by four householders, who are natural-born British subjects, and none of them the agent, attorney, or vakil of the memorialist. The declaration may be made by such declarants jointly or by each separately; but each of the declarants must in his declaration state, as to himself, the fact that he is a

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Certificates of re-admission to British nationality—*concld.*

householder and natural-born British subject, the place of his residence, and the period during which he has personally known the applicant.

5. The Governor General in Council, if he thinks fit to grant a certificate to the applicant, will cause him to be furnished in triplicate with a paper containing a blank form of oath of allegiance and a blank form of certificate.

6. The applicant will then take and subscribe in triplicate the oath of allegiance in the presence of an officer having the full powers of a Magistrate.

7. The Magistrate will then forward to the Government of India in the Home Department, in triplicate, the paper containing the form of the certificate still in blank, and the oath of allegiance subscribed as aforesaid.

8. The certificate will then be signed, in triplicate, by a Secretary to the Government of India.

9. The Government of India in the Home Department will then deliver one copy of the certificate and oath of allegiance to the applicant, will retain the second in its own custody, and will forward the third to Her Majesty's Government in England for registration by the Home Government.

CRANBROOK.

[*See* Gazette of India, 1879, Pt. I, p. 71.]

Declaration by British subjects naturalized in United States of America on resumption of British nationality.

No. 633-P., dated the 15th March, 1872.—In continuation of[1] Notification No. 1333-P. of 30th June, 1871, the Governor General in Council is pleased to notify as follows, regarding the declaration to be made under Section 3 of the [2] Naturalization Act, 1870, by British subjects naturalized in the United States of America, in order to renounce their status as naturalized American citizens and to resume British nationality:—

Whereas by Section 3 of the Naturalization Act, 1870, it was provided as follows:—

"When Her Majesty has entered into a Convention with any foreign State to the effect that the subjects or citizens of that State

[1] *See* Gazette of India, 1871, Pt. I, p. 473. The notification publishes ss. 4 and 6 of the Naturalization Act, 33 Vict., c. 14, and forms of declaration of alienage or renunciation of British nationality, for these *see infra*, p. 99.

[2] Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Declaration by British subjects naturalized in United States of America on resumption of British nationality—*contd.*

who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such Convention has been entered into by Her Majesty; and from and after the date of such Order in Council any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the Convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

"A declaration of alienage may be made as follows, that is to say—if the declarant be in the United Kingdom, in the presence of any Justice of the Peace; if elsewhere in Her Majesty's dominions, in the presence of any Judge of any Court of Civil or Criminal Jurisdiction, of any Justice of the Peace, or of any other Officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in the presence of any Officer in the Diplomatic or Consular Service of Her Majesty."

And whereas, in pursuance of the said section, Her Majesty entered into a Convention with the United States of America which was signed at London, May 13th, 1870, and the ratifications of which were exchanged at London, August 10th, 1870, to the following effect:—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America being desirous to regulate the citizenship of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America, and of citizens of the United States of America who have emigrated or who may emigrate from the United States of America to the British dominions, have resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon'ble George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Hon'ble Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Hon'ble Order of the Bath, Her Britannic Majesty's principal Secretary of State for Foreign Affairs;

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Declaration by British subjects naturalized in United States of America on resumption of British nationality—*contd.*

"and the President of the United States of America, John Lothrop Motley, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty;

"who after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

"ARTICLE I.

"British subjects who have become, or shall become, and are naturalized, according to law within the United States of America, as citizens thereof, shall, subject to the provisions of Article II, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

"Reciprocally, citizens of the United States of America who have become, or shall become, and are naturalized, according to law within the British dominions, as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

"ARTICLE II.

"Such British subjects as aforesaid, who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May 1870.

"Such citizens of the United States as aforesaid, who have become and are naturalized within the dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization, and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present Convention.

"The manner in which this renunciation may be made and publicly declared, shall be agreed upon by the Governments of the respective countries.

"ARTICLE III.

"If any such British subject as aforesaid, naturalized in the United States, should renew his residence within the dominions of Her Britannic Majesty, Her Britannic Majesty's Government may, on his

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Declaration by British subjects naturalized in United States of America on resumption of British nationality—*contd.*

own application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

"In the same manner, if any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

"ARTICLE IV.

"The present Convention shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

"In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

"Done at London the thirteenth day of May in the year of Our Lord one thousand eight hundred and seventy.

"(L. S.) CLARENDON.

"(L. S.) JOHN LOTHROP MOTLEY."

AND WHEREAS a further Convention, supplementary to the foregoing Convention, was signed at Washington, February 23rd, 1871 (the ratifications being exchanged at Washington, May 4th, 1871), and was to the following effect :—

"Whereas by the second Article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from dominions of the one to those of the other party, signed at London on the 13th of May 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the Governments of the respective countries ; Her Majesty the Queen

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Declaration by British subjects naturalized in United States of America on resumption of British nationality—*contd.*

of the United Kindom of Great Britain and Ireland and the President of the United States of America, for the purpose of effecting such agreement, have resolved to conclude a Supplemental Convention and have named as their Plenipotentiaries, that is to say, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Hon'ble Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and the President of the United States of America, Hamilton Fish, Secretary of State, who have agreed as follows :—

"ARTICLE I.

"Any person being originally a citizen of the United States, who had previously to May 13th, 1870, been naturalized as a British subject, may at any time before August 10th, 1872, and any British subject, who at the date first aforesaid had been naturalized as a citizen within the United States, may at any time before May 12th, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing substantially in the form hereunto appended, and designated as Annex A.

"Such renunciation by an original citizen of the United States of British nationality shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any Court authorized by law for the time being to admit aliens to naturalization, or before the Clerk or Prothonotary of any such Court ; if the declarant be beyond the territories of the United States, it shall be made in duplicate before any Diplomatic or Consular Officer of the United States. One of such duplicates shall remain on record in the custody of the Court or Officer in whose presence it was made ; the other shall be, without delay, transmitted to the Department of State.

"Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a Justice of the Peace ; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any Judge of Civil or Criminal Jurisdiction, of any Justice of the Peace, or of any other Officer for the time being authorized by law in the place in which the declarant is, to administer an oath for any judicial or other legal purpose ; if out of Her Majesty's dominions, in triplicate, in the presence of any Officer in the Diplomatic or Consular Service of Her Majesty.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Declaration by British subjects naturalized in United States of America on resumption of British nationality—*contd.*

"ARTICLE II.

"The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who within their respective dominions and territories, or before their Diplomatic and Consular Officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of declarants, and the time and places of their naturalization, as they may have furnished.

"ARTICLE III.

"The present Convention shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

"In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

"Done at Washington the twenty-third day of February in the year of our Lord One thousand eight hundred and seventy-one.

"(L. S.) EDWARD THORNTON.
"(L. S.) HAMILTON FISH.

"ANNEX A.

"I, A.B., of (*insert abode*), being originally a citizen of the United States of America (*or a British subject*), and having become naturalized within the dominions of Her Britannic Majesty as a British subject (*or as a citizen within the United States of America*), do hereby renounce my naturalization as a British subject (*or citizen of the United States*) and declare that it is my desire to resume my nationality as a citizen of the United States (*or British subject*).

"(Signed) A. B.

"Made and subscribed before me in (*insert country or other sub-division and state, province, colony, legation, or consulate*) this day of

"(Signed) E. F.,
"Justice of the Peace (*or other title*).

"(L. S.) EDWARD THORNTON.
"(L. S.) HAMILTON FISH."

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*contd.*

Declaration by British subjects naturalized in United States of America on resumption of British nationality—*contd.*

AND WHEREAS by an Order made by Her Majesty in Council, 17th August 1870, it was ordered as follows:—

"*At the Court of Windsor, the 17th day of August, 1870.*

"PRESENT:

"The Queen's Most Excellent Majesty in Council.

"Whereas by 'The Naturalization Act, 1870,' it is enacted that where Her Majesty has entered into a Convention with any foreign State, to the effect that the subjects or citizens of that State who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty by Order in Council to declare that such Convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person, being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the Convention, make a declaration of alienage; and from and after the date of his so making such declaration, such person shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid. And whereas, on or about the thirteenth day of May last past, a Convention between Her Majesty and the President of the United States of America was duly signed at London, the ratifications whereof were duly exchanged at London, the tenth day of August instant, whereby the subjects or citizens of the United States of America who have been naturalized as British subjects are at liberty to renounce their naturalization and divest themselves of their status as such British subjects, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the said Convention. Now, therefore, Her Majesty, by and with the advice of Her Privy Council, doth hereby declare that Her Majesty has entered into a Convention with the said United States of America, to the effect that the subjects or citizens of those States who have been naturalized as British subjects may divest themselves of their status as such subjects."

Now, this is to notify that all British subjects who have become and are naturalized, according to the law within the United States of America, as citizens thereof, may renounce such naturalization and resume their British nationality, provided that such renunciation be made before the 12th day of May, 1872.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACT, 1870 (33 & 34 VICT., C. 14)—*concld.*

Declaration by British subjects naturalized in United States of America on resumption of British nationality—*concld.*

The renunciation is to be made in the following form:—

I., A. B., of (*insert abode*), being originally a British subject and having become naturalized as a citizen within the United States of America, do hereby renounce my naturalization as a citizen of the said United States, and declare that it is my desire to resume my nationality as a British subject.

(Signed) A. B.

Made and subscribed before me in (*insert country or other sub-division, and state, province, colony, legation, or consulate*) this day of 187 .

(Signed) E. F.,
Justice of the Peace (*or other title*).

This declaration must be made as directed in section 3 of the said Naturalization Act, 1870, hereinbefore recited.

It is further notified that although by the above-recited Convention of the 23rd day of February, 1871 it is provided that American citizens who have been naturalized as British subjects should make the declaration of renunciation before an United States Court of Justice or Diplomatic or Consular Officer of the United States, it is necessary, nevertheless, in order to comply with the terms of the said section 3, that such declaration be also made before one of the Officers mentioned in the said section.

It is further notified that no fee will be levied for receiving the declaration hereinbefore mentioned. The said declarations are to be made in triplicate,—one copy is to be delivered to the declarant, one is to be retained in the archives of the *Officer* before whom the declaration is made, and one is to be transmitted to the Secretary to the Government of India in the Foreign Department.

[*See* Gazette of India, 1872, Pt. I, p. 245.]

Regulations under the Naturalization Acts.

The following amended Regulations connected with the Naturalization Act of 1870 (received from Her Majesty's Secretary of State

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102).

Regulations under the Naturalization Acts—*contd.*

for India) are republished for general information:—

NATURALIZATION ACTS, 1870.

Regulations.

In exercise of the powers contained in the Naturalization Acts, 1870, I, the Right Honourable Henry Austin Bruce, one of Her Majesty's Principal Secretaries of State, make the following Regulations:

FORMS.

1.—The forms of Declarations made in pursuance of the said Acts shall be respectively as follow:—

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Naturalized British Subject.

I, A. B., of (*insert address*), having been naturalized as a British subject on the of 18 , do hereby, under the provisions of the Order of Her Britannic Majesty in Council of the and of the treaty between Great Britain and C. D., renounce my naturalization as a British subject, and declare that it is my desire to resume my nationality as a subject (*or* citizen) of C. D.

(Signed) A. B.

Made and subscribed this day of 18 before me.

(Signed) E. F.,
Justice of the Peace (*or other official title*).

NATURALIZATION ACTS, 1870.

Declaration of Alienage by a Person born within British Dominions.

I, A. B., of (*insert address*), being held by the common law of Great Britain to be a natural-born subject of Her Britannic Majesty by reason of my having been born within Her Majesty's dominions, and being also held by the law of C. D. to have been at my birth, and to be still, a subject (or citizen) of C. D., hereby renounce my nationality as a British subject, and declare that it is my desire to be considered and treated as a subject (or citizen) of C. D.

(Signed) A. B.

Made and subscribed this date of 18 , before me.

(Signed) E. F.,
Justice of the Peace (*or other official title*).

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT. CS. 14 & 102)—*contd.*

Regulations under the Naturalization Acts—*contd.*

NATURALIZATION ACTS, 1870.

Declaration of Alienage by Person who is by origin a British Subject.

I, A. B., of (*insert address*), having been born out of Her Britannic Majesty's Dominions of a father being a British subject, do hereby renounce my nationality as a British subject.

(Signed) A. B.

Made and subscribed this day of 18 , before me.

(Signed) G. H.,

Justice of the Peace (*or other official title*).

NATURALIZATION ACTS, 1870.

Declaration of British Nationality.

I, A. B., of (*insert address*), being a natural-born subject of Her Britannic Majesty, and having voluntarily become naturalized as a subject (or citizen) of C. D., on the of 18 , do hereby renounce such naturalization, and declare that it is my desire to be considered and treated as a British subject.

(Signed) A. B.

Made and subscribed this day of 18 , before me.

(Signed) E. F.,

Justice of the Peace (*or other official title*).

Note.—The Act of Parliament under which this declaration is made provides that the declarant "shall not, when within the limits of the Foreign State in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect."

II.—The forms of Certificates granted in pursuance of the said Acts shall be respectively as follow:—

NATURALIZATION ACTS, 1870.

Certificate of Naturalization to an Alien.

Secretary of State's Office, Whitehall.

Whereas A. B., an alien, now residing at , has presented to me, the Right Honourable E. F., one of Her Majesty's

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102)—*contd.*

Regulations under the Naturalization Acts—*contd.*

Principal Secretaries of State, a memorial, praying for a certificate of naturalization, and alleging that he is (*particulars according to the "Instructions"*), and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (*or* has been for five years in the service of the Crown as), and intends, when naturalized, to reside in the United Kingdom (*or* to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject, be deemed to be a British subject, unless he has ceased to be a subject (*or* citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this day of 18 .

(Signed) E. F.

NATURALIZATION ACTS, 1870.

Certificate of Naturalization under the Acts of 1870 to an Alien naturalized under the Act of 1844.

Secretary of State's Office, Whitehall.

Whereas A. B., an Alien, now residing at , has presented to me, the Right Honourable E. F., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization under the Naturalization Acts, 1870, and alleging that he was naturalized in the United Kingdom in pursuance of the Act 7 & 8 Vict., c. 66, on the day of 18 , that he was originally a subject of , and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (*or* has been for five years in the service of the Crown as), and intends, if he receives the certificate of naturalization for which he prays, to reside in the United Kingdom (*or* to serve under the Crown); and whereas I have inquired into

103948

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102)—*contd.*

Regulations under the Naturalization Acts—*contd.*

the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the Naturalization Acts, 1870, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a natural-born subject (*or* citizen), be deemed to be a British subject, unless he had ceased to be a subject (*or* citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this day of 18 .

(Signed) E. F.

NATURALIZATION ACTS, 1870.

Special Certificate of Naturalization to a person with respect to whose Nationality a doubt exists.

Secretary of State's Office, Whitehall.

Whereas A. B., of , has presented to me, the Right Honourable C. D., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a special certificate of naturalization under the above-mentioned Acts, and alleging that he is a person with respect to whose nationality as a British subject a doubt exists, that he is , and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (*or* has been for five years in the service of the Crown as), and intends, if he receives the certificate of Naturalization for which he prays, to reside in the United Kingdom (*or* to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the said Act, and for the purpose of quieting doubts as to the right of the said A. B. to be a British subject, I grant to the aforesaid A. B.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102)—*contd.*

Regulations under the Naturalization Acts—*contd.*

this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled to or subject in the United Kingdom; with this qualification, that if it should be proved that the said A. B. was heretofore a subject (*or* citizen) of any other State, he shall not, when within the limits of such State, be deemed to be a British subject, unless he has ceased to be a subject (*or* citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect. And I further declare that the grant of this special certificate of naturalization shall not be deemed to be any admission that the aforesaid A. B. was not heretofore a British subject.

In witness whereof I have hereto subscribed my name this day of 18 .

(Signed) C. D.

NATURALIZATION ACTS, 1870.

Certificate of re-admission to British nationality.

(To be granted by one of Her Majesty's Principal Secretaries of State.)

Whereas A. B. has presented to me, the Right Honourable E. F., one of Her Majesty's Principal Secretaries of State, a memorial praying for a certificate of re-admission to British nationality, and alleging that he was a natural-born British subject, and that he became an alien by being naturalized as a subject (*or* citizen) of G. H.,* on the day of 18 , that he is , and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (*or* has been for five years in the service of the Crown as), and intends, if he receives the certificate of re-admission to British nationality for which he prays, to reside in

* Where the applicant is a widow, the form must be modified accordingly, and recite the allegation in the memorial that the applicant became an alien by marriage with her late husband L. M., a subject (*or* citizen) of G. H.

NATIONAL ARCHIVES OF INDIA

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102)—*contd.*

Regulations under the Naturalization Acts—*contd.*

the United Kingdom (*or* to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; and whereas the said A. B. has taken the oath of allegiance; now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A. B. this certificate, and declare that as from the date of this certificate, but not in respect of any previous transaction, he is hereby re-admitted to the status of a British subject; with this qualification, that within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject (*or* citizen) of that State according to the laws thereof, or in pursuance of a treaty to that effect. In witness whereof I have hereto subscribed my name this day of 18 .

(Signed) E. F.

OATH OF ALLEGIANCE.

III. The Oath of Allegiance shall be subscribed as well as taken.

IV. The following persons may administer the Oath of Allegiance:—

In England or Ireland—

Any Justice of the Peace or any Commissioner authorised to administer oaths in Chancery.

In Scotland—

Any Sheriff, Sheriff-substitute, or Justice of the Peace.

Elsewhere in Her Majesty's dominions—

Any Judge of any Court of Civil or Criminal jurisdiction:

Any Justice of the Peace:

Any Officer for the time being authorised by law in the place in which the deponent is to administer an oath for any judicial or other legal purpose.

This regulation shall not apply to the case of the administration of an oath of allegiance in respect of a Declaration of British nationality

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102)—*contd.*

Regulations under the Naturalization Acts—*contd.*

for which case provision is made by the Naturalization Act, 1870 (33 Vict., c. 14, s. 6).

V.—The form in which the Oath of Allegiance shall be subscribed shall be as follows:—

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors, according to law. So help me God.

(Signed) A. B.

Sworn and subscribed this day of before me.

(Signed) C. D.,

Justice of the Peace (*or other official title*).

VI.—The oath of Allegiance taken and subscribed in pursuance of the said Acts may be proved in any legal proceeding by the production of the original Certificate, or any copy thereof certified to be a true copy by one of Her Majesty's Principal or Under Secretaries of State.

This regulation shall apply exclusively to legal proceedings in the United Kingdom.

REGISTRATION.

VII.—Every Declaration, whether of Alienage or British nationality, and every Certificate, whether of naturalization or of re-admission to British nationality, and every Oath of Allegiance taken with respect to a Declaration or Certificate, shall be registered in the office of one of Her Majesty's Principal Secretaries of State.

Copies, certified by one of Her Majesty's Principal or Under Secretaries of State, to be true copies of any Declaration, Certificate, or Oath which has been registered, may be obtained at such office as aforesaid.

This regulation shall apply exclusively to such Declarations, Certificates, and Oaths as may be made, granted, and taken respectively in the United Kingdom.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102)—*contd.*

Regulations under the Naturalization Acts—*contd.*

FEES.

VIII.—With the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that fees may be taken and applied as follows:—

The matter in which the Fee may be taken.	The Amount of Fee.			To whom Payment of Fee to be applied.
	£	s.	d.	
For taking a declaration, whether of alienage or British nationality ...	0	2	6	To the clerk of justice taking declaration, or in Scotland to the clerk of the peace or any of his deputes.
For granting a certificate, whether of naturalization or re-admission to British nationality, and for registering the same, together with the oath of allegiance.	1	0	0	Into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time shall direct, and to be carried to the Consolidated Fund.
For administration of the oath of allegiance.	0	2	6	In England or Ireland, if the oath is administered by a justice of the peace, to the clerk of such justice, otherwise to the officer administering the oath. In Scotland, if the oath is administered by a sheriff or sheriff-substitute, to the sheriff clerk; if by a justice of the peace to the clerk of the peace or any of his deputes.
For transmitting a declaration, with or without oath, for registration.	0	0	6	To the clerk of the justice who transmits the same, or in Scotland to the clerk of the peace, or any of his deputes.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE NATURALIZATION ACTS, 1870 (33 & 34 VICT., CS. 14 & 102)—*concld.*

Regulations under the Naturalization Acts—*concld.*

The matter in which the Fee may be taken.	The Amount of Fee.	To whom Payment of Fee to be applied.
	£ s. d.	
For registration of declaration with or without oath of allegiance.	0 10 0	Into the receipt of Her Majesty's Exchequer in manner aforesaid.
For certified copy of any declaration or certificate, with or without oath.	0 10 0	The same.

This regulation shall apply exclusively to declarations, certificates, and oaths made, granted, and taken respectively in the United Kingdom.

1st February 1872. (Sd.) H. A. BRUCE.

[*See* Bombay Government Gazette, 1872, Pt. I, p. 501.]

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59).

Execution of contracts and deeds on behalf of the Secretary of State.

No. $\frac{3 \text{ Judicial}}{485\text{-}501}$.—Extract from the Proceedings of the Government of India in the Home Department (Judicial), dated Calcutta, the 28th March 1895.

Read again—

The correspondence on the subject of the execution of deeds, contracts and other instruments on behalf of Her Majesty's Secretary of State for India in Council, ending with the letter from the Government of the Punjab, No. 355-S., dated the 25th July 1891.

Read also—

The Home Department Circular to Local Governments and Administrations, Nos. $\frac{5 \text{ Judicial}}{322\text{-}331}$, dated the 7th March, 1892, forwarding a draft Resolution purporting to consolidate the orders issued from time to time on the subject, and the replies thereto.

RESOLUTION.—In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, Chapter fifty-nine, section two[1], and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of existing orders, to declare that the undermentioned classes of deeds, contracts, and other instruments referred to in the twenty-second and twenty-third of Victoria, Chapter forty-one, section two[1], may be executed as follows :—

A.[2]—In the case of the Governor General in Council—

(1) All deeds and instruments relating to any matters other than those hereinafter specified.	By a Secretary to the Government of India.
(2) All deeds and instruments relating to railway matters other than those hereinafter specified.	By the Secretary to the Railway Board.]

[1] Collection of Statutes relating to India, Vol. I.

[2] Substituted for Part A by Resolution No. 1104—1121 (J), dated the 26th July, 1905, *see* Gazette of India, 1905, Suplt., p. 1372.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

B.[1]—In the case of the Military Department:—

I.—In the Military Works Services (subject to any limits fixed by the Government of India):

1. All instruments relating to purchase, supply and conveyance or carriage of materials, stores, machinery, etc.	By the Director-General of Military Works; Chief Engineers; Commanding Royal Engineers; Assistant Commanding Royal Engineers; and Garrison Engineers.
2. All instruments relating to the execution of works of all kinds, connected with buildings, bridges, roads, canals, tanks, reservoirs, docks and harbours, and embankments, and the erection of machinery.	
3. Security bonds for the due performance and completion of works.	
4. Security bonds for the due performance of their duties by the Government servants whom the officers specified have power to appoint.	
5. Leases for grazing cattle on canal banks or roadsides; for fishing in a canal; for the cultivation of land; leases of water for irrigation and other purposes, and leases of water power; and instruments relating to the sale of grass, trees or other produce on roadsides or in plantations.	
6. Leases for houses, land, or other immoveable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.	
7. All instruments connected with the reconveyance of property given as security.	
8. Instruments connected with the collection or farming of tolls at bridges or ferries or other means of communication provided by the Local Government.	
9. Agreements for the recovery of fines on account of drift wood or other timber pasing into a canal.	
10. Agreements with temporary establishments.	

[1] Substituted for Part B by Resolution No. 1137—1154 (J), dated the 27th July, 1905, *see* Gazette of India, 1905, Suplt., p. 1372.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

B.[1]—In the case of the Military Department—*contd.*

I—In the Military Works Services—*contd.*

11. Agreements entered into in India with civilian mechanics and others for a specified period of service in the Military Works Services.	By the Director-General of Military Works and Chief Engineers.
12. All deeds and instruments relating to any matters other than those specified in heads 1 to 11.	By a Secretary to the Government of India or a Secretary to a Local Government.

II.—Contracts and other instruments for the Ordnance Department, as detailed below:

1. Contracts for stores obtained in India for supplies to arsenals, depôts, or factories.	By the Director-General of Ordnance in India and Inspector-General of Ordnance.
2. Contracts for undertaking sales of unserviceable stores.	
3. Agreements entered into in India with civilian employés for a specified period of service in ordnance establishments.	
4. Contracts for landing, weighing, and forwarding ordnance stores.	
5. All instruments connected with the re-conveyance of property given as security.	By the Director-General of Ordnance in India; Inspectors-General of Ordnance; Ordnance Officers; Officers in charge of arsenals and depôts; and Superintendents of Factories.

III.—Contracts for the Supply and Transport Corps, as detailed below:

(*Note.*—When tenders are expressly declared to be intended to take effect as contracts, they will not be executed on behalf of the Secretary of State.)

1. *Contracts for supplies and services to, and purchases from, the Supply and Transport Corps.*	*By the Secretary to the Government of India, Military Department;* Director-General of Contracts and Registration; Divisional Store Officers; Store and Shipping Officers; Store Officer, Cawnpore; Officers on special duty in Kashmir; Agents for Government Consignments, Calcutta and Madras; and Officers Commanding Stations.

[1] *See* note on page 109.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

B.[1]—In the case of the Military Department—*contd.*

III.—Contracts for the Supply and Transport Corps—*contd.*

2. All instruments connected with the re-conveyance of property given as security.	By the Secretary to the Government of India, Military Department; Director-General of Contracts and Registration; Directors of Contracts and Registration; Divisional Store Officers; Store and Shipping Officers; Store Officer, Cawnpore; Officers on special duty in Kashmir; Agents for Government Consignments, Calcutta and Madras; and Officers Commanding Stations.
3. Agreements entered into in India with civilian employés for a specified period of service in the Supply and Transport Corps.	By the Director-General of Contracts and Registration, and Directors of Contracts and Registration.

IV.—Contracts for the Army Clothing Department, as detailed below :

1. Contracts for the supply of important articles of local manufacture.	By the Director of Army Clothing.
2. Contracts for the supply of embroidered badges, colours and standards.	
3. Agreements entered into in India with civilian employés for a specified period of service in the Army Clothing Department.	
4. Contracts for making clothing, either inside or outside factories.	By Superintendents of Army Clothing Factories, subject to the approval of the Director of Army Clothing.
5. Contracts for the supply of unimportant articles of local manufacture, and miscellaneous stores required for factory purposes.	By Superintendents of Army Clothing Factories.
6. Contracts for undertaking the sale of stores and materials.	
7. Contracts for the supply of carts.	
8. Petty contracts.	

V.—Contracts for the Medical Department, as detailed below :

1. All contracts for supplies and services to, and purchases from, the Medical Store Department.	By the Director-General, Indian Medical Service, and Surgeons-General with the Governments of Madras and Bombay.

[1] *See* note on page 109.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

B.[1]—In the case of the Military Department—*contd.*

V.—Contracts for the Medical Department—*contd.*

2. All instruments connected with the re-conveyance of property given as security.	By Medical Storekeepers to Government.
3. Agreements with passed candidates for the Indian Subordinate Medical Department.	
4. Security bonds on behalf of native Military medical pupils.	By Principals of Medical Colleges and Schools.

VI.—Contracts and other instruments for the Army Remount Department, as detailed below:

1. Agreements with shippers for landing horses at the Presidency Remount Depôt, Calcutta.	By the Director-General, Army Remount Department, or Officer in charge, Remount Depôt, Calcutta.
2. Contracts for undertaking the sale of rejected Government animals.	By the Director-General, Army Remount Department.
3. Contracts for the occupation of land.	By Superintendents of Remount Depôts, with the approval of the Director-General, Army Remount Department.
4. Contracts for grain, fodder, or stores.	
5. All instruments connected with the reconveyance of property given as security.	By the Director-General, Army Remount Department, and Superintendents of Remount Depôts.
6. Contracts for petty works at Remount Depôts.	By Superintendents of Remount Depôts.

VII.—Contracts and other instruments for the Farms Department, as detailed below:

1. Leases of land required for cultivation, grazing or other purposes by the Farms Department and instruments relating to other rights on lands under grass cultivation.	By an officer of the Farms Department.

VIII.—In the Military Accounts Department:

1. Deeds of reconveyance of dwelling and mess-houses, and of Volunteer Corps buildings, which have been mortgaged to Government as security for the payment of building advances or loans.	By the Controllers of Military Accounts.
2. Agreements for the supply of school or religious books.	

[1] *See* note on page 109.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

B.[1]—In the case of the Military Department—*contd.*

VIII.—In the Military Accounts Department—*contd.*

1.—Contracts for printing work. 2.—All instruments connected with the reconveyance of property given as security.	By Controllers of Military Accounts.

IX.—Contracts and instruments relating to cantonments, as detailed below:

1.—Contracts referred to in section 59 of the Cantonment Code.	(*a*) By the Secretary to the Cantonment Committee in Cantonments where there is such a committee, and (*b*) by the Commanding Officer of the Cantonment in those cases in which a Cantonment Committee has not been constituted.
2.—Agreements with existing grantees of land situate within cantonment limits, which belongs to the Government, and upon which buildings have already been erected. 3.—Leases of building sites within cantonment limits.	By the Principal Staff Officer of a Command or Division.

X.—General instruments and contracts, as detailed below:

1.—Agreements with clerks, copyists, draughtsmen, accountants, cashiers, agents, and store-keepers, whom the officer is empowered to appoint.	By any commissioned military officer.
2.—Contracts for the supply of hot weather establishments and other temporary labour.	By the Officer Commanding a unit, the Officer Commanding a sanitarium, and the officer in charge of a hospital.
3.—Contracts for petty supplies to hospitals.	By officers in charge of hospitals]

C.—In the case of the Royal Indian Marine and the Indian Troop Service:

1.—Contracts for conveyance of troops, military stores, etc.	By the Secretary to the Government of India, Marine Department.

[1] *See* note on page 109.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

C.—In the case of the Royal Indian Marine and the Indian Troop Service—*contd.*

2.—Contracts for supply of miscellaneous marine stores, Bombay Dockyard.	By the Director of the Royal Indian Marine.
3.—Contracts for supply of miscellaneous marine stores, Kidderpore Dockyard.	By the Deputy Director of the Royal Indian Marine.
4.—Contracts for provisions and medical comforts, Bombay Dockyard.	By the Director of the Royal Indian Marine.
5.—Contracts for provisions and medical comforts, Kidderpore Dockyard.	By the Deputy Director of the Royal Indian Marine.
6.—Contracts for sailmaking, Bombay Dockyard.	By the Director of the Royal Indian Marine.
7.—Contracts for sailmaking, Kidderpore Dockyard.	By the Deputy Director of the Royal Indian Marine.
8.—Conrtacts for mess stores, Indian troop service, Bombay Dockyard.	By the Resident Transport Officer.
9.—Contracts for washing troop bedding, Indian troop service, Bombay Dockyard.	
10.—Contracts for labour, Kidderpore Dockyard.	By the Deputy Director of the Royal Indian Marine.
11.—Contracts for manufacture of coir rope, Kidderpore Dockyard.	
12.—Contracts for supply of coal, country (Bengal), Kidderpore Dockyard.	
13.—Contracts for rivetting work, Kidderpore Dockyard.	
14.—Contracts for scraper establishment, Kidderpore Dockyard.	
15.—Contracts for disposal of empty casks returned from Royal Navy vessels, Bombay Dockyard.	By the Director of the Royal Indian Marine.
16.—Charter parties (hire of transport and for conveyance of troops, etc.), Bombay and Kidderpore Dockyards.	By the Director of the Royal Indian Marine, and the Deputy Director of the Royal Indian Marine.
17.—Agreements for temporary employment of engineers, engine-drivers, and gunners, Bombay and Kidderpore Dockyards.	By the Director of the Royal Indian Marine, and the Deputy Director of the Royal Indian Marine.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

D.—In the case of the Currency Department, Treasuries and Account Offices :

1.—Mortgage-deeds given as security in connection with the employment of officers as Treasurers and the like in Currency Offices, and agreements entered into with such officers.	By the Head Commissioner, Commissioner, or Deputy Commissioner of Paper Currency.
2.—Mortgage-deeds given as security in connection with the employment of officers as Treasurers in District or Sub-District Treasuries, and agreements entered into with such officers.	By Collectors or Deputy Commissioners of Districts.
3.—Mortgage-deeds given as security in connection with the employment of Treasurers, Cashiers or Clerks in Account Offices, charged with the disbursement of money or the custody and handling of securities.	By the Head of the office.

E.—In the case of the Public Works Department (subject to any limits fixed in Departmental orders):

I.—All instruments relating to purchase, supply and conveyance or carriage of materials, stores, machinery, etc.	By Chief Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, Managers, Engineers-in-Chief, Superintendents of Works, and Executive Engineers in the Railway Branch.
II.—All instruments relating to the execution of works of all kinds connected with Railways, open or under construction, buildings, bridges, roads, canals, tanks, reservoirs, docks and harbours and embankments, and also instruments relating to the construction of water-works, sewage-works, the erection of machinery, and the working of coal-mines.	By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, Managers, Engineers-in-Chief, Superintendents of Works, and Executive Engineers in the Railway Branch.
III.—Security bonds for the due performance and completion of works.	By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, Managers, Engineers-in-Chief, Superintendents of Works and Executive Engineers in the Railway Branch.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

E.—In the case of the Public Works Department—*contd.*

IV.—Security bonds for the due performance of their duties by Government servants whom the officers specified have power to appoint.	By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, Managers, Engineers-in-Chief, Superintendents of Works and Executive Engineers in the Railway Branch.
V.—Leases for grazing cattle on canal banks or roadsides; for fishing in a canal; for the cultivation of land under the Irrigation Department; leases of water for irrigation and other purposes, and leases of water power; and instruments relating to the sale of grass, trees or other produce on roadsides or in plantations.	By Chief Engineers, Superintending Engineers, Superintendents of Works, Divisional Officers in the Buildings and Roads and Irrigation Branches, and in Bengal by Subdivisional Officers of the Irrigation Branch.
VI.—Leases of houses, land, or other immoveable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.	By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, Managers, Engineers-in-Chief, Superintendents of Works, and Executive Engineers in the Railway Branch.
VII.—All instruments connected with the re-conveyance of property given as security.	By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, Managers, Engineers-in-Chief, Superintendents of Works, and Executive Engineers in the Railway Branch.
VIII.—Instruments connected with the collection or framing of tolls at bridges or ferries or other means of communication provided by the Railway or by the Local Government.	By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, Managers, Engineers-in-Chief, Superintendents of Works, and Executive Engineers in the Railway Branch.
IX.—Contracts connected with the loading and unloading of goods and for other matters necessary for, or incidental to, traffic working.	By Managers of State Railways.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

E.—In the case of the Public Works Department—*concld.*

X.—Contracts connected with the sale of scrap, ashes, and other surplus material.	By Managers of State Railways.
XI.—Agreements for the recovery of fines on account of drift wood or other timber passing into a canal.	By Chief Engineers, Superintending Engineers, Superintendents of Works, and Executive Engineers in the Irrigation Branch.
XII.—Agreements for the interchange of traffic with other State Railways.	By Managers of State Railways.
XIII.—Agreements with private or guaranteed Railway Companies, Tramway Companies and other carrying Companies.	By Managers of State Railways.
XIV.—Agreements with covenanted Engine-drivers on the expiry of the term of their original covenants.	By Managers of State Railways.
XV.—Agreements with monthly non-pensionable European, Eurasian, and Native employés on State Railways, defining the terms and conditions of service to be entered into on entering the service of Government.	By Managers, Engineers-in-Chief, Locomotive Superintendents, Traffic Superintendents, Examiners of Accounts, Chief Store-Keepers, and Executive Engineers in charge of Divisions, District Locomotive Superintendents, and District Traffic Superintendents in the Railway Branch.
XVI.—All deeds and instruments relating to any matters other than those specified in heads I to XV.	By Secretaries and Joint Secretaries of Local Governments.

F.—In the case of the Telegraph Department:

I.—Contracts and other instruments for works and stores.	By the Director and Deputy Director-General of Telegraphs and the Director of Construction, by Superintendents and Assistant Superintendents of Telegraphs subject to the limit fixed by Departmental orders.
II.—Leases of houses to the Telegraph Department, containing, where necessary, an agreement making the Government liable for loss by fire caused by the act of the lessee; provided that the rent reserved in such lease shall not exceed Rs. 500 a month.	By the Director and Deputy Director-General of Telegraphs.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

F.—In the case of the Telegraph Department—*contd.*

III.—Contracts and other instruments for securities deposited by Telegraph subordinates.	By Superintendents and Assistant Superintendents of Telegraphs, subject to the limit fixed by Departmental orders.

G.—In the case of the Post Office:

I.—Contracts and other instruments relating to the business of the Post Office.	By the Director-General of the Post Office.
II.—Contracts and other instruments relating to the business of the Post Office managed by a Post Master General or Officer exercising the powers of a Post Master General.	By such Post Master General or Officer exercising the powers of a Post Master General, subject to any limit prescribed by Departmental orders.

H.—In the case of the Civil Medical Department made under the Government of India:

Contracts and other instruments relating to the Medical Department.	By the Surgeon-General with the Government of India.

I.—In the case of the Forest Department:

Contracts and other instruments in matters connected with the administration and working of forests and with the business of the Forest Department generally.	By Conservators, Collectors of Districts, Deputy, Assistant, Extra Deputy, and Extra Assistant Conservators of Forests to such extent and within such limits as the Local Government may prescribe by notification in the official Gazette.

J.—In the territories under the administration of the Government of Madras, as regards contracts, etc., not hereinbefore specified:

I.—In the case of the Governor in Council— All deeds and instruments relating to any matters other than those specified in heads II to V.	By a Secretary to Government.
II.—Contracts and other instruments for the purchase, supply, conveyance or carriage of building materials, stores, machinery, etc., and the provision of labour for building or other work, and such like engagements.	By Collectors of Districts, Sub-Collectors, Assistant and Deputy Collectors in charge of Divisions; Inspector-General, Deputy Inspector-General, and Superintendents of Police; Commissioner of Police, Madras; Inspector-General of Jails; Superintendent of Stationery; and the Presiding Port Officer and Port Officers.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

J.—In the territories under the Govt. of Madras, etc.—*contd.*

III.—Contracts and other instruments relating to the Medical Department.	By the Surgeon-General with the Government of Madras.
IV. (*a*) All contracts, deeds or other agreements relating to the execution of salt works, or the purchase, sale or transport of salt, the supply of labour, stores, building materials, etc., and any other like engagements relating to the Salt Revenue or the business of the Salt Department.	By the Commissioner of Salt, Abkari, and Separate Revenue.
(*b*) All contracts, deeds or other agreements relating to the execution of salt works, or the purchase, sale or transport of salt, the supply of labour, stores, building materials, etc., and any other like engagements relating to the Salt Revenue or the business of the Salt Department within the limit of value of Rs. 5,000; and contracts or agreements for the import of foreign salt on credit, for payment of the duty leviable thereon, or contracts or agreements for the clearance of salt under the credit system on the deposit of securities within the limit of value of Rs. 50,000.	By the Deputy Commissioners of Salt and Abkari Revenue.
(*c*) Leases granted to manufacturers of salt in blocks of land in Government Factories, when the estimated value of the land concerned does not exceed Rs. 250.	By the Deputy Commissioners of Salt and Abkari Revenue.
(*d*) Contracts or agreements for the import of foreign salt on credit for payment of the duty leviable thereon, or contracts or agreements for the clearance of salt under the credit system wholesale on the deposit of securities within the limit of value of Rs. 10,000.	By Assistant Commissioners of Salt and Abkari Revenue.
V.—Contracts and other instruments relating to matters connected with the Educational Department.	By the Director of Public Instruction.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

K.—In the territories under the administration of the Government of Bombay, as regards contracts, etc., not hereinbefore specified:

I.—All deeds and intruments relating to matters other than those specified in heads II to VII and IX to XIV and XVI to XXI.	By a Secretary to Government.
II.—Contracts for the supply of articles of dead stock, or petty supplies.	By the Government officer for whose use such articles or petty supplies are required, or by any Government officer to whom such officer is subordinate.
III.—Contracts for the sale of useless articles.	By the Government officer in whose office such useless articles are, or by any Government officer to whom such officer is subordinate.
IV.—Contracts for the lease or sale of Government buildings.	Jointly by the chief local officer of the Department in whose charge and the chief local officer of the district in which such building is situate.
V.—Contracts for hire or purchase of buildings for Government.	Jointly by the chief local officer of the Department for which, and the chief local officer of the district in which, such buildings are to be hired or purchased.
VI.—Contracts and other instruments for the purchase, supply, and conveyance or carriage of building materials, stores, machinery, etc., and contracts for petty constructions and repairs, and for public works of every description which are not executed by the Public Works Department.	Jointly by the chief local officer of the Department by which, and the chief local officer of the district in which, such works are to be executed, or by an Assistant or Deputy Collector if the work is executed by the Revenue Department.
VII.—Sanads— (*a*) continuing or confirming exemption from payment of land-revenue, or (*b*) continuing or confirming any pension or grant of money or land-revenue, or (*c*) confirming watan-service commutation settlements, or (*d*) guaranteeing cash payments in lieu of abkari or other rights, or (*e*) granted under section 133 of the Bombay Land-revenue Code, 1879, or any other law for the time being in force relating to the survey of towns and cities.	By Collectors of Districts.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

K.—In the territories under the Government of Bombay, etc.—*contd.*

VIII.—Deeds, contracts and instruments relating to land, or to any benefit arising out of land or to water, or to any benefit arising out of water, or to land-revenue.	In the City of Bombay, by a Secretary to Government; elsewhere, by Collectors of Districts; or in any business connected with the duties of the Talukdari Settlement-officer.
IX.—Contracts for the frame of tolls, taxes, duties, cesses, or revenues of any description.	By Collectors of Districts or by the heads of the Departments by which such tolls, duties, cesses or revenues are levied.
X.—Contracts for the erection or repair of boundary marks.	By Survey-officers or Revenue-officers not lower in rank than Mahalkaris.
XI.—Contracts for the supply of stationery, etc., to the Superintendent of Stationery.	By the Superintendent of Stationery, Bombay.
XII.—Contracts for the supply of articles of any description for the use of Jails or regarding the sale of articles manufactured in Jails.	By the Inspector-General of Prisons, Bombay, or by the Superintendents of Jails.
XIII.—Security bonds for the due performance of their duties by Government servants whom the Inspector-General of Prisons has power to appoint.	By the Inspector-General of Prisons or by the Superintendents of Jails.
XIV.—Contracts for the supply of articles procured in the local markets for the Police.	By the Commissioner of Police in the City of Bombay; and elsewhere by the Inspector-General of Police, or by the District Superintendents of Police.
XV.—Deeds, contracts and instruments relating to Salt-revenue or to the business of the Salt Department, or to the land, buildings or other property in the control of that Department, other than contracts of the nature specified above in articles I to VI.	In Sind, by the Commissioner in Sind, or by the head of the Salt Department in that Province, or by Collectors of Districts; and elsewhere, by a Secretary to Government or by the Collector of Salt-revenue, Bombay.
XVI.—Contracts entered into with normal scholars and apprentices in Engineering or Industrial Colleges, etc.	By Educational Inspectors or by the Principals of such Colleges.
XVII.—Agreements and deeds entered into with Managers of Educational Institutions in respect of Government grants-in-aid up to Rs. 1,000 or in respect of the lease of Government school buildings.	By the Director of Public Instruction, Bombay.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

K.—In the territories under the Government of Bombay, etc.—*concld*

XVIII.—Contracts for the supply of articles procured in the local markets for hospitals, lunatic asylums, etc.	By the local Medical Officers in charge of such hospitals, asylums, etc.
XIX.—Deeds, cntracts, and instruments of every description relating to the administration of Aden.	By the Political Resident, Aden.
XX.—Contracts for the purchase and supply of stores and building materials and for the provision of labour, also indentures to bind apprentices at the Mint for a definite term.	By the Mint Master, Bombay.
XXI.—Deeds, contracts, and instruments of every description not included i n any of the foregoing articles.	In Sind, by the Commissioner in Sind.

L.—In the territories under the administration of the Government of Bengal, as regards contracts, etc., not hereinbefore specified :

I.—In the case of the Lieutenant-Governor— All deeds and instruments relating to matters other than those specified in heads II to VII.	By the Secretary to the Government of Bengal in the Revenue and General Departments.
II.—Contracts for the supply of stationery (and bonds of employés when it is necessary that they should be executed by the obligee), etc., to the Superintendent of Stationery.	By the Superintendent of Stationery, Calcutta.
III.—Contracts for the supply of clothing, etc., for the Police.	By the Commissioner of Police, Calcutta, and the Inspector-General of Police, Bengal.
IV.—Contracts for the supply of articles, etc., for the use of Jails, or regarding the sale of articles manufactured in Jails.	By the Inspector-General of Jails, Bengal.
V.—Contracts for the supply of articles and for repairing, cutting, etc., roads and canals.	By Collectors of Districts.
VI.—Contracts for the supply of articles procured in the local markets for hospitals, lunatic asylums, etc.	By the local Medical Officer in charge of such hospitals, asylums, etc.
VII.—Contracts and other instruments in matters connected with the lease or sale of land.	By Collectors of Districts and Deputy Commissioners.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

L.—In the territories under the Government of Bengal, etc.—*contd.*

VIII.—Contracts for the purchase and supply of stores and building materials and for the provision of labour; also indentures to bind apprentices at the Mint for a definite term.	By the Mint Master, Calcutta.

M.—In the territories under the administration of the Government of the North-Western Provinces and Oudh[1], as regards contracts, etc., not hereinbefore specified :

I.—In the case of the Lieutenant-Governor and Chief Commissioner— All deeds and instruments relating to matters other than those specified in heads II to IV.	By a Secretary to Government.
II.—Contracts and other instruments for sums not exceeding Rs. 2,000 except those which affect real estate.	By all Heads of Departments.
III.—Contracts and other instruments at present executed by Collectors, Deputy Commissioners and Deputy Collectors.	By Collectors and Deputy Commissioners.
IV.—Contracts and other instruments for a sum not exceeding Rs. 500, and not affecting real estate.	By subordinate officers appointed by Heads of Departments with the approval of the Local Government.

N.—In the territories under the administration of the Government of the Punjab, as regards contracts, etc., not hereinbefore specified :

I.—In the case of the Lieutenant-Governor— All deeds and instruments relating to matters other than those specified in heads II to IV and VI and VII.	By a Secretary to Government.
II.—Contracts and other instruments connected with leases of land, ferries, dues for grazing cattle on places other than canal banks, fisheries, *nazul* lands and buildings, spontaneous products and minerals, execution of minor works not under the Public Works Departments, and the supply of necessaries for depôts.	By Deputy Commissioners.

[1] Now the United Provinces of Agra and Oudh, *see* Proclamation No. 996-P., dated the 22nd March, 1902, *supra*, p. 77.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

N.—In the territories under the Government of the Punjab, etc.—*contd.*

III.—Instruments relating to sale of waste lands.	By Deputy Commissioners.
IV.—Contracts relating to any matter falling within their ordinary jurisdiction.	By Deputy Commissioners.
V.—(*a*) Instruments of free grant of proprietary right in land. (*b*) Instruments whereby property is mortgaged to the Government as security for a loan. (*c*) Instruments of exchange of land.	By a Secretary to Government and Deputy Commissioners.
VI.—Contracts for the supply of clothing, etc., for the Police.	By the Inspector-General of Police.
VII.—Contracts for the supply of articles for use in Jails, or regarding the sale of articles manufactured in Jails.	By the Inspector-General of Prisons.

O.—In the territories under the administration of the Chief Commissioner of the Central Provinces, as regards contracts, etc., not hereinbefore specified :

I.—In the case of the Chief Commissioner— All deeds and instruments relating to matters other than those specified in head II.	By his Secretary.
II.—Contracts and other instruments in matters connected with the lease or sale of land.	By Deputy Commissioners.

P.—In the territories under the administration of the [1]Chief Commissioner of Burma, as regards contracts, etc., not herein before specified :

I.—In the case of the Chief Commissioner— All deeds and instruments relating to matters other than those specified in heads II to IV.	By a Secretary to the Chief Commissioner.

[1] Now the Lieutenant-Governor of Burma, *see* Proclamation No. 509, dated the 9th April, 1897, *supra*, pages 12 and 13.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

P.—In the territories under the administration of the [1]Chief Commissioner of Burma, etc.—*contd.*

II.—Contracts and other instruments for the supply of stores, rations, clothing, etc.	By the heads of the Jail and Police Departments.
III.—Contracts and other instruments relating to matters connected with their respective Departments.	By all Heads of Departments.
IV.—Contracts and other instruments connected with the lease or sale of land and fisheries; and contracts relating to any matter falling within their ordinary jurisdiction.	By Deputy Commissioners.

Q.—In the territories under the administration of the [2]Chief Commissioner of Assam, as regards contracts, etc., not hereinbefore specified:

I.—In the case of the Chief Commissioner— All deeds and instruments relating to matters other than those specified in heads II to V.	By his Secretary.
II.—Contracts and other instruments in matters connected with the lease or sale of land, ferries and fisheries, spontaneous products and minerals for the supply of stores, building materials, labour and such like engagements.	By Deputy Commissioners.
III.—Contracts and other instruments connected with temporary leases of land or of other rights, dues or property of Government, or for the supply of stores, building materials, labour and such like engagements, when such contract, instrument or engagement does not exceed the value of Rs. 500.	By Assistant Commissioners and Subdivisional Officers.
IV.—Contracts and other instruments connected with leases of land.	By Extra Assistant Commissioners and Settlement-officers.

[1] Now the Lieutenant-Governor of Burma, *see* Proclamation No. 509, dated the 9th April, 1897, *supra*, pages 13 and 14.

[2] Now the Lieutenant-Governor of Eastern Bengal and Assam, *see* Proclamation No. 2831-P., dated the 1st September, 1905, *supra*, pages 14 and 15.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*contd.*

Q.—In the territories under the Chief Commissioner of Assam—*contd.*

V.—Contracts for the supply of articles required for the use of the Department, and other instruments, connected with the administration of the Department.	By all Heads of Departments.
R.—In the case of the Chief Commissionership of Coorg as regards contracts, etc., not hereinbefore specified.	By his Secretary.

S.—In the Hyderabad Assigned Districts, as regards contracts, etc., not hereinbefore specified:

I.—All deeds and instruments relating to matters other than those specified in heads II and III.	By the Resident at Hyderabad, the First Assistant Resident, Commissioners and Deputy Commissioners in the Hyderabad Assigned Districts.
II.—Contracts for the supply of clothing, etc., for the Police.	By the Inspector-General of Police.
III.—Contracts for the supply of articles required for Jails.	By the Inspector-General of Jails.

T.—In British Baluchistan and the territories administered by the Agent to the Governor General in Baluchistan as such Agent:

I.—All deeds and instruments relating to matters other than those specified in heads II to V.	By the First Assistant to the Agent to the Governor General and Chief Commissioner.
II.—Contracts and other instruments for the supply of stores, clothing, etc.	By heads of Departments concerned.
III.—Contracts and other instruments relating to matters connected with their respective Departments.	By all Heads of Departments.
IV.—Contracts and other instruments connected with the lease or sale of land, or whereby land is mortgaged to Government in security for a loan, and contracts and instruments relating to any matter falling within their ordinary jurisdiction, including the execution of civil works not under the Public Works Department.	By Political Agents and Deputy Commissioners.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59)—*contd.*

Execution of contracts and deeds on behalf of the Secretary of State—*concld.*

T.—In British Baluchistan and the territories, &c.—*contd.*

V.—Sanads—

(*a*) containing or conferring exemption from payment of land-revenue;

(*b*) containing or confirming any pension or grant of money connected with the land-revenue;

(*c*) contracts and instruments relating to any matter falling within the jurisdiction of the Settlement Department.

} By the Revenue Commissioner.

U.—Agreements for the recovery of advances under the Land Improvement Loans Act, XIX of 1883, and the Agriculturists' Loans Act, XII of 1884.

} By District Officers.

[*See* Gazette of India, 1895, Supplement, p. 587.]

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., C. 59) —*contd.*

Execution of Marine Contracts on behalf of the Secretary of State.

Nos. 1305—1308 (F), dated 30th September, 1881.—In exercise of the power conferred by the thirty-third and thirty-fourth, of Victoria, cap. fifty-nine, section two,[1] the Governor General in Council is pleased, in supersession of previous orders on the subject, to declare that the undermentioned classes of contracts referred to in the twenty-second and twenty-third of Victoria chapter forty-one, section two,[2] may be executed as follows in the territories under the administration of the Governments of Bombay and Bengal :—

Contracts for the supply of stores, coal, etc., for the Indian Marine Service, and contracts relating to the business of the office of Superintendent of Marine.	By the Superintendents of Marine, Bombay and Calcutta

[*See* Gazette of India, 1881, Supplement, p. 1158.]

Nos. 1088—89 (F), dated 5th August, 1897.—In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, chapter fifty-nine, section two,[1] and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the undermentioned classes of contracts referred to in the twenty-second and twenty-third of Victoria, chapter forty-one, section two,[2] may be executed as follows :—

Contracts for the engagement of crews for vessels of the Royal Indian Marine.	By the officers in command of such vessels and by the Staff Officers of the Bombay and Kidderpore Dockyards.

[*See* Gazette of India, 1897, Supplement, p. 1901.]

[1] Collection of Statutes relating to India, Vol. I.

[2] The East India Contracts Act, 1870, Collection of Statutes relating to India, Vol. I.

NATIONAL ARCHIVES OF INDIA

THE ROYAL TITLES ACT, 1876 (39 & 40 VICT., C. 10).

Alteration and Additions to Royal Style and Titles.

Proclamation by Her Majesty the Queen dated April 28th, 1876.

Victoria R.—Whereas an Act has been passed in the present session of Parliament, intituled "An Act to enable Her Most Gracious Majesty to make an addition to the Royal style and titles appertaining to the Imperial Crown of the United Kingdom and its dependencies,"[1] which Act recites that, by the Act for the union of Great Britain and Ireland, it was provided that after such union the Royal style and titles appertaining to the Imperial Crown of the United Kingdom and its dependencies should be such as His Majesty by His Royal proclamation under the Great Seal of the United Kingdom should be pleased to appoint: and which Act also recites that, by virtue of the said Act and of a Royal proclamation under the Great Seal dated the 1st day of January, 1801, Our present style and titles are "Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith", and which Act also recites that, by the Act for the better government of India, it was enacted that the Government of India, theretofore vested in the East India Company in trust for Us, should become vested in Us, and that India should thenceforth be governed by Us and in Our name, and that it is expedient that there should be a recognition of the transfer of government so made by means of an addition to be made to Our style and titles: and which Act, after the said recitals, enacts that it shall be lawful for Us, with a view to such recognition as aforesaid of the transfer of the Government of India, by Our Royal proclamation under the Great Seal of the United Kingdom, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies as to Us may seem meet; We have thought fit, by and with the advice of Our Privy Council, to appoint and declare, and We do hereby, by and with the said advice, appoint and declare that henceforth, so far as conveniently may be, on all occasions and in all instruments wherein Our style and titles are used, save and except all charters, commissions, letters, grants, writs, appointments, and other like instruments not extending in their operation beyond the United Kingdom, the following addition shall be made to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies; that is to say, in the Latin tongue in these words "Indiæ Imperatrix"; and in the English tongue in these words, "Empress of India."

[1] The Royal Titles Act, 1876; 39 & 40 Vict., c. 10, Collection of Statutes relating to India, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE ROYAL TITLES ACT, 1876 (39 & 40 VICT., C. 10)—*concld.*

Alteration and Additions to Royal Style and Titles—*concld.*

And Our will and pleasure further is, that the said addition shall not be made in commissions, charters, letter patent, grants, writs, appointments, and other like instruments herein before specially excepted.

And Our will and pleasure further is, that all gold, silver, and copper moneys, now current and lawful moneys of the United Kingdom, and all gold, silver, and copper moneys which shall, on or after this day, be coined by Our authority with the like impressions, shall, notwithstanding such addition to Our style and titles, be deemed and taken to be current and lawful moneys of the said United Kingdom, and further that all money coined for and issued in any of the dependencies of the said United Kingdom, and declared by Our proclamation to be current and lawful money of such dependencies, respectively bearing Our style or titles, or any part or parts thereof, and all moneys which shall hereafter be coined and issued according to such proclamation, shall, notwithstanding such addition, continue to be lawful and current money of such dependencies respectively, until Our pleasure shall be further declared thereupon.

Given at our Court at Windsor, the twenty-eighth day of April, one thousand eight hundred and seventy-six in the thirty-ninth year of Our reign.

GOD SAVE THE QUEEN.

[*See* Statutory Rules and Orders Revised, Volume I, p. 32.]

NATIONAL ARCHIVE OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE INDIAN SALARIES AND ALLOWANCES ACT, 1880 (43 VICT., C. 3).

Voyage and equipment allowances of the Governor General, etc.

Rules dated the 3rd January, 1888, made under the Statute 43 Vict., c. 3, by the Secretary of State for India in Council, fixing the allowances for Equipment and Voyage of the Governor General of India, Members of Council of the Governor General of India, Governors of Madras and Bombay, Commanders-in-Chief of the Forces in India, Commanders-in-Chief of Madras and Bombay, Bishops of Calcutta, Madras and Bombay.

I.

1. The allowance for the equipment of the voyage of a Governor General of India, resident in Europe at the time of his appointment, is fixed at £3,500.

2. Except as declared in these rules, Government will make no arrangements for, and will defray none of the expenses connected with, the conveyance or passage of a Governor General, his family or suite, to or from India.

3. A newly appointed Governor General proceeding to India from Europe to enter upon his office may be accompanied by three combatant military officers for his personal staff, the expenses of whose passage will be defrayed by Government according to the rules in force in the Military Department as to military officers proceeding to India on duty.

4. For an ex-Governor General returning to Europe, on resignation, a steamer belonging to the Indian Marine Service will (if consistent with the requirements of the public service) be gratuitously provided, to convey him and his family and suite to Suez; but the homeward voyage of the ship thus provided shall not be continued beyond Suez. The ex-Governor General will bear the costs of entertainment and messing incurred while on board, in respect of himself and his party, according to the rules in force relating to the conveyance of passengers in Indian Marine troopships.

5. No grant from Indian revenues will be made to any ex-Governor General for his homeward journey from Suez.

6. An ex-Governor General returning to Europe may be accompanied by two officers of his personal staff, for whom free passages to England will be allowed according to the rules in the Military Department, and also free return passages to India, if they start on their return voyage within two months from the date of quitting India.

7. In the event of a Governor General dying and leaving a widow in India, a steamer belonging to the Indian Marine Service will (if consistent with the requirements of the public service) be provided to convey her to Suez in like manner as in the case of an ex-Governor

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE INDIAN SALARIES AND ALLOWANCES ACT, 1880 (43 VICT., C. 3) —*contd.*

Voyage and equipment allowances of the Governor General, etc.—*contd.*

General. The widow of a deceased Governor General so returning to Europe may be accompanied by one officer of the personal staff, on the conditions mentioned in the preceding rule, and shall bear all such expenses as would, in ordinary course, be borne by an ex-Governor General returning to Europe.

II.

8. The allowances for equipment and voyage of the Governors of Madras and Bombay, the Commanders-in-Chief of the Forces in India, of Madras, and of Bombay, if resident in Europe at the time of appointment respectively, are fixed as follows :—

	£
The Governor of Madras	... 1,000
The Governor of Bombay	... 1,000
The Commander-in-Chief of the Forces in India	... 500
The Commander-in-Chief, Madras ...	... 500
The Commander-in-Chief, Bombay ...	... 500

9. A Commander-in-Chief of the Forces in India proceeding from Europe to assume his command may be accompanied by three combatant Military officers for his personal staff, and newly-appointed Governors of Madras and of Bombay, and Commanders-in-Chief of Madras and of Bombay similarly proceeding from Europe to take up their duties, may respectively be accompanied by two combatant military officers for their personal staff, the passages of these officers being provided at the expense of the Government according to the rules in force in the Military Department as to military officers proceeding to India on duty; but with these exceptions, Government will make no arrangements for, and will defray none of the expenses connected with, the passage or conveyance of any of the officers mentioned in Rule 8, or of their families, to or from India.

10. An ex-Governor of Madras or Bombay, or an ex-Commander-in-Chief of the Forces in India, or of Madras or Bombay (or the widow of a Governor or of a Commander-in-Chief who may die in India leaving a widow there), returning to Europe may be accompanied by one officer of his personal staff, for whom a free passage will be allowed by Government according to the rules in force in the Military Department, and also a free return passage if he starts on the return voyage within two months from the date of quitting India.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE INDIAN SALARIES AND ALLOWANCES ACT, 1880 (43 VICT. C. 3) —*concld.*

Voyage and equipment allowances of the Governor General, etc.—*concld.*

III.

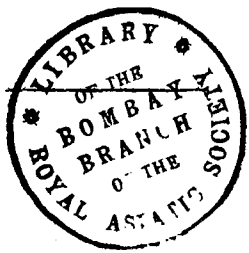
11. The allowances for equipment and voyage of Members of the Council of the Governor General of India, and of Bishops of Calcutta, of Madras, and of Bombay, if resident in Europe at the time of appointment respectively, are fixed as follows :—

	£
Members of the Council of the Governor General of India...	300
The Bishop of Calcutta	300
The Bishop of Madras	300
The Bishop of Bombay	300

12. An officer of any of the Indian Services, temporarily residing in Europe, or a military officer transferred from one superior command in India to another during temporary residence out of India, shall not be deemed to be resident in Europe at the time of appointment within the meaning of rule 8 or rule 11.

[*See* Statutory Rules and Orders Revised, Vol. IV, p. 80.]

NATIONAL ARCHIVES OF INDIA



Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

ARMY ACT (44 & 45 VICT., C. 58).

Military Prisons in Cantonments, etc.

No. 488, dated the 7th September, 1883.—In exercise of the power conferred by section 133 of the Army Act, 1881,[1] the Governor General of India in Council is pleased to set apart the buildings, or parts of buildings, at the stations, as hereinafter detailed, as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons, *viz.*,— 44 & 45 Vict., c. 58.

Agra.—The three rooms on the north end of No. 10 Barrack, European Infantry Lines.

Allahabad.—The room on the ground floor of No. 2 Block of the station hospital in the European Infantry Lines situated between the reading-room and the purveyor's store-room.

Dugshai.—The two wards at the east end of the male hospital, British Infantry Lines.

Fort William.—The east room on the ground floor of the station hospital.

Fortress, Gwalior.—The room at present used as an ophthalmic ward on the lower floor of the central portion of the garrison hospital.

Mean Meer.—The two small rooms at the south end of the north wing of the station hospital.

Sialkot.—The west part of No. 5 ward of the left wing of No. 2 men's hospital (station hospital).

Peshawar.—The north end of the large ward in Block 35, East hospital.

Saugor.—No. 16, quarter guard room, Royal Artillery.

[*See* Gazette of India, 1883, Pt. I, p. 373.]

No. 156, dated the 21st March, 1884.—In continuation of G. G. O. No. 488 of 1883, the Governor General of India in Council, in exercise of the powers conferred by section 133 of the [1]Army Act, 1881, is pleased to set apart the buildings, or parts of buildings, at the stations as hereinafter detailed as part of the Military Prisons at those stations, and they are hereby declared to be part of such Military Prisons, namely,— 44 & 45 Vict., c. 58

Bangalore.—One cell-ward and guard-room at the southern end of the north wing, and one cell-ward at the northern end of the south wing of the south station hospital.

Madras.—The two wards on the ground-floor adjoining and to the north of the guard-room situated in the east wing of the station hospital.

Secunderabad.—The room at the southern end of the detached building situated at the west gate of the south station hospital formerly used as a guard-room.

Aden.—The northern ward main block of the station hospital.

[*See* Gazette of India, 1884, Pt. I, p. 128.]

[1] Collection of Statutes relating to India, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Management and Regulation of Military Prisons in India.

No. 892, dated the 13th October, 1905.—In exercise of the power conferred by section 133 of the Army Act (44 & 45 Vict., c. 58[1]), the Governor General of India in Council is pleased to make the following additions to the [1] "Rules for the management and regulation of military prisons in India":

Remission of part of sentence.

116A. Prisoners shall be eligible to earn remission of part of their sentences under the following rules:

(*a*) All prisoners who are to return to the colours at the expiration of their sentences, if undergoing sentences of twenty-eight days and upwards, shall be eligible to earn remission of part of their sentences by special industry and good conduct.

(*b*) Remission so earned is not to exceed one-sixth of the whole sentence, and is to be decreased proportionately with the number of times a prisoner has been convicted by Court-martial, *e.g.*, twice, one-twelfth, thrice, one-twenty-fourth.

(*c*) In order to earn a remission of sentence, a prisoner must earn five-sixths or eleven-twelfths, or twenty-three-twenty-fourths, as the case may be, of the total number of marks obtainable during the whole of his sentence.

(*d*) Prisoners who are not to return to the colours at the expiration of their sentences, if undergoing sentences of eighty-four days and upwards, shall similarly be eligible to earn a remission of part of their sentences, by special industry and good conduct as given in table below.

(*e*) In order to earn a remission of sentence a prisoner, if undergoing a sentence from eighty-four days upwards, but not exceeding one year, must first earn seven-eighths of the total number of marks obtainable during the whole of his sentence; and if undergoing a sentence exceeding one year he must first obtain a total number of marks, calculated at eight a day for the first six calendar months, *plus* six a day for the rest of the sentence.

(*f*) A prisoner shall be allotted full marks for any time spent in the guard-room or in hospital prior to commitment, and also for any day he is unable to work, provided that such detention or inability to work is not through his own fault.

(*g*) Prisoners on obtaining the number of marks entitling them to remission of the remainder of their sentence shall be forthwith released, under section 57 (2) of the Army Act, Army Form C. 389 being used for the purpose.

[1] For Rules, *see* Appendix to this Vol.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Management and Regulation of Military Prisons in India—*concld.*

Remissions of sentences for prisoners who are not to return to the colours.

Sentences.	Total number of marks possible.	Total number of marks to be earned.	Equals remission in days.	Remarks.
84 days	672	588	10	
112 „	896	784	14	
140 „	1,120	980	17	
168 „	1,344	1,176	21	
6 calendar months ...	1,440	1,260	22	
7 „ „ ...	1,680	1,470	26	
8 „ „ ...	1,920	1,680	30	
9 „ „ ...	2,160	1,890	34	
10 „ „ ...	2,400	2,100	38	
11 „ „ ...	2,640	2,310	42	
1 year	2,880	2,520	46	
13 calendar months ...	3,120	2,706	53	
14 „ „ ...	3,360	2,876	61	
15 „ „ ...	3,600	3,062	68	
16 „ „ ...	3,840	3,240	76	
17 „ „ ...	4,080	3,426	83	
18 „ „ ...	4,320	3,604	91	
19 „ „ ...	4,560	3,790	98	
20 „ „ ...	4,800	3,960	107	
21 „ „ ...	5,040	4,146	114	
22 „ „ ...	5,280	4,324	122	
23 „ „ ...	5,520	4,510	130	
2 years	5,760	4,696	137	

[*See* Gazette of India, 1905, Pt. I, p. 727.]

NATIONAL ARCHIVES OF INDIA

ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Currency Exchange.

No. 1698, dated the 8th November, 1888.—The Governor General in Council, in exercise of the power conferred by section 169 of the Army Act, 1881 (44 & 45 Vict., c. 58),[1] is pleased to declare that fifty rupees and two hundred rupees shall, for the purposes of section 156 of that Statute in India, be the respective equivalents of five pounds and twenty pounds.

[*See* Gazette of India, 1888, Pt. I, p. 516.]

No. 198-J., dated the 25th March, 1880.—In exercise of the authority conveyed in section 162 of the Army Discipline and Regulation Act, 1879,[2] the Governor General in Council is pleased to declare that for the purposes of conversion into Indian currency of all sums of money expressed in British currency in the said Act a penny shall be held to be equivalent to eight pies.

[*See* Gazette of India, 1880, Pt. I, p. 224.]

Enlistment and attestation for the Indian Army.

No. 429-J., dated the 31st July, 1885.—In exercise of the power conferred by section 180, sub-section 2 (*h*), Army Act, 1881,[1] the Governor General in Council is pleased to direct that the classes of persons now enlisted and attested for Her Majesty's Indian Forces under the said Act, shall in future be enlisted and attested under the Indian Articles of War[3] for the time being.

[*See* Gazette of India, 1885, Pt. I, p. 429.]

Money Orders issued in British India for payment in the United Kingdom and certain other places.

[4]*Regulations, dated July 5, 1884, made by the Postmaster General with the consent of the Treasury, made under the Post Office (Money Order) Acts, 1848 to 1883,*[5] [6], [7], [8]Whereas the Post Office (Money Orders) Act, 1880,[6] provides that, subject to the Post Office Regulations, the Postmaster General, with the consent of the Treasury may, for the purpose of the transmission of small sums through the Post Office, authorise his officers or any of them to issue orders

[1] Collection of Statutes relating to India, Vol. II.

[2] *See* now the Army Act (44 & 45 Vict., c. 58), by which this Act was repealed.

[3] *See* Act V of 1869 as modified up to 1st December, 1904.

[4] These Regulations were gazetted, July 22nd, 1884 (London Gazette).

[5] 43 & 44 Vict., c. 33.

[6] 11 & 12 Vict., c. 88.

[7] 46 & 47 Vict., c. 58.

[8] These Regulations were repealed as to Gibraltar by the Regulations of December 17th, 1885, printed at p. 616 of the Statutory Rules and Orders Revised, Vol. V.

NATIONAL ARCHIVES OF INDIA

ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Money Orders issued in British India for payment in the United Kingdom and certain other places—*contd.*

(hereinafter referred to as postal orders) in the form set forth in the schedule to that Act, subject, nevertheless, to the provisoes contained in the said Act:

And whereas by the Post Office (Money Orders) Acts, 1848[1] and 1880,[2] the Postmaster General is authorised with the consent of the Commissioners of Her Majesty's Treasury to make Post Office Regulations relating to money orders, and to the persons by or to whom money orders shall be paid, and to the times at which and the mode in which the same shall be paid:

And whereas by the Post Office (Money Orders) Act, 1883,[3] certain alterations in the form of postal orders as set forth in the schedule to the Post Office (Money Orders) 1880,[2] are sanctioned, and the Postmaster General is empowered, with the consent of the Commissioners of Her Majesty's Treasury, to prescribe by Post Office Regulations further modifications of the form of postal orders, and the several amounts (not exceeding twenty shillings) of such orders, and the sums of poundage (not exceeding two pence) to be taken in respect of such orders, and it was amongst other things provided that where an arrangement is made with the Government of any British possession for the transmission of small sums through the Post Offices of the United Kingdom, and such British possession by means of money orders of a like character to those issued under the Post Office (Money Orders) Act, 1880, as amended by that Act the said Act as amended by that Act should, so far as is consistent with the tenour thereof, and subject to the prescribed modifications, apply in like manner as if an order issued in pursuance of such arrangement, whether by an officer of the Post Office or of such British possession, was an order under the said Act as amended by that Act and that such portions of the said Act as enact punishment should apply accordingly:

And whereas an arrangement has been made with the Government of British India for the issue in British India and payment in the United Kingdom, and Gibraltar, and Constantinople, of postal orders in the form and subject to the [4]Regulations hereinafter mentioned:

Now, therefore, I, the Right Honourable Henry Fawcett, Her Majesty's Postmaster General, in pursuance of the said Acts, and of

[1] 43 & 44 Vict., c. 33.
[2] 11 & 12 Vict., c. 88.
[3] 46 & 47 Vict., c 58.
[4] These Regulations were repealed as to Gibraltar by the Regulations of December 17th, 1885, printed at p. 616 of the Statutory Rules and Orders, Vol. V.

NATIONAL ARCHIVES OF INDIA

Money Orders issued in British India for payment in the United Kingdom and certain other places—*concld.*

all other powers enabling me in this behalf, with the consent of the Commissioners of Her Majesty's Treasury, do hereby order as follows:—

1. These Regulations shall come into operation on the first day of October, 1884.

2. Subject to the provisions of these Regulations, postal orders issued at any post office in British India, may be paid in the United Kingdom, Gibraltar, and Constantinople, by any officer or person for the time being there authorised to pay postal orders issued in the United Kingdom.

3. Every postal order issued in British India as aforesaid, shall be in the form and of one of the amounts specified in the Regulations made under the Post Office (Money Orders) Acts, 1848 to 1883,[1] and dated the 28th day of January, 1884,[2] or any other Regulations for the time being in force with reference to postal orders issued in the United Kingdom, and all the provisions of the said Regulations shall apply to orders issued in British India as aforesaid, so far as the nature of the case admits.

In witness whereof I, the said Henry Fawcett, Her Majesty's Postmaster General, have hereunto set my hand this fifth day of July, 1884.

HENRY FAWCETT.

We, the undersigned, being two of the Commissioners of Her Majesty's Treasury, do hereby signify the consent of the same Commissioners to the above Regulations.

R. W. DUFF.

HERBERT J. GLADSTONE.

[*See* Statutory Rules and Orders Revised, Vol. V, p. 614.]

[1] 11 & 12 Vict., c. 88, 43 & 44 Vict., c, 33, 46 & 47 Vict., c. 58.
[2] Published in "London Gazette" February 19th, 1884, p. 845.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE INDIAN COUNCILS ACT, 1892 (55 & 56 VICT., C. 14).

Discussion of Financial Statements and Interpellations in the Governor General's Council.

No. 9, dated the 2nd February, 1893.—In exercise of the power conferred by section 2 of the Statute 55 & 56 Vict., c. 14 (the Indian Councils Act, 1892),[1] the following rules have been made by the Governor General of India in Council authorizing at any meeting of the Governor General's Council for the purpose of making Laws and Regulations the discussion of the Annual Financial Statement of the Governor General in Council and the asking of questions; the Rules have received the sanction of the Secretary of State for India in Council, and are now published for general information:—

I.—Preliminary.

1. In these rules—

"Council" means the Council of the Governor General of India for the purpose of making Laws and Regulations:

"President" means the Governor General or (during the time of his visit to any part of India unaccompanied by his Council) the President nominated by the Governor General in Council under the [1]Indian Councils Act, 1861, section 6; or, in the absence of both the Governor General and the President so nominated, the senior Ordinary Member of Council present;

"Member" means a Member of the Council, whether ordinary, extraordinary or additional.

II.—Rules for the discussion of the Annual Financial Statement of the Governor General in Council.

2. The Financial Statement shall be explained in Council every year, and a printed copy given to each Member.

3. After the explanation has been made each Member shall be at liberty to offer any observations he may wish to make on the Statement.

4. The Financial Member shall have the right of reply, and the discussion shall be closed by the President making such observations, if any, as he may consider necessary.

III.—Rules for asking Questions.

5. Any question may be asked by any Member, subject to the following conditions and restrictions.

6. A Member who wishes to ask a question shall give at least six clear days' notice in writing to the Secretary to the Government of India in the Legislative Department, submitting in full the question which he wishes to ask.

[1] Collection of Statutes relating to India, Vols. I and II, respectively.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE INDIAN COUNCILS ACT, 1892 (55 & 56 VICT., C. 14)—*contd.*

Discussion of Financial Statements and Interpellations in the Governor General's Council—*contd.*

7. Questions must be so framed as to be merely requests for information, and must not be in an argumentative or hypothetical form or defamatory of any person or section of the community.

8. The President may disallow any question without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests ; and in such case the question shall not be entered in the Proceedings of the Council.

9. The President may, if he thinks fit, allow a question to be asked with shorter notice than six days ; and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

10. When the President has permitted a question to be asked, it shall be entered in the Notice Paper for the day, and questions shall be put in the order in which they stand in the Notice Paper, before any other business is entered upon at the meeting.

11. A question shall be read by the Member by whom it was framed, or in his absence, if he so desires, by some other Member in his behalf, and the answer shall be given by the Member in charge of the Department concerned or by some other Member whom the President may designate for the purpose.

12. The President may also rule, at his discretion, that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interest.

13. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

14. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

[*See* Gazette of India, 1893, Pt. I, p. 53.]

Nomination of Additional Members of the Governor General's Council.

No. 19, dated 23rd June, 1893.—In exercise of the power conferred by section 1, sub-section (*4*), of the Indian Councils Act, 1892 (55 & 56 Victoria, c. 14)[1], the Governor General in Council has, with the approval of the Secretary of State for India in Council, made

[1] Collection of Statutes relating to India, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE INDIAN COUNCILS ACT, 1892 (55 & 56 VICT., C. 14)—*contd.*

Nomination of Additional Members of the Governor General's Council—*contd.*

the following regulations for the nomination of Additional Members of the Council of the Governor General of India :

I. Of the persons to be nominated Additional Members of Council by the Governor General for his assistance in making Laws and Regulations, not more than six shall be officials.

II. The nominations to five seats shall be made by the Governor General on the recommendation of the following bodies respectively, namely,—

A.—The non-official Additional Members of the Council of the Governor of the Presidency of Fort St. George.

B.—The non-official Additional Members of the Council of the Governor of the Presidency of Bombay.

C.—The non-official Members of the Council of the Lieutenant-Governor of the Bengal Division of the Presidency of Fort William in Bengal.

D.—The non-official Members of the Council of the Lieutenant-Governor of the North-Western Provinces and Oudh.

E.—The Calcutta Chamber of Commerce.

III. The Governor General may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall appear to him most suitable with reference to the legislative business to be brought before the Council and the due representation of the different classes of the community.

IV. When a vacancy occurs, [1][or at any time within three months of the date when a vacancy will occur in the ordinary course of events] and is to be filled under rule II of these Regulations, the Governor General shall cause the proper body to be requested to recommend a person for nomination by the Governor General.

V. The recommendation shall be made—

(*a*) in the case of the non-official Additional Members or non-official Members of a Local Council, by a majority of votes of such members ;

(*b*) in the case of the Calcutta Chamber of Commerce, in the manner laid down in the rules of the Chamber for carrying resolutions or recording decisions upon questions of business brought before it.

[1] Inserted by Notification No. 33, dated 23rd December, 1902, *see* Gazette of India, 1902, Pt. I, p. 943.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*contd.*

THE INDIAN COUNCILS ACT, 1892 (55 & 56 VICT., C. 14)—*concld.*

Nomination of Additional Members of the Governor General's Council—*concld.*

VI. It shall be a condition in the case of any person to be recommended by the non-official Additional Members or non-official Members of a Local Council that he shall be a person * * *[1] resident within the province for which such Council is appointed.

[2] *Explanation.*—A person is not "resident" within the meaning of this rule unless he has a place of residence in the province concerned and such practical connection with that province as qualifies him to represent the inhabitants thereof.

If at any time the question is raised whether a person proposed for election is "resident" within the meaning of this rule, the question shall be referred to and decided by the Governor General in Council.

VII. If within[3] [three] months after receiving the request of the Governor General as provided by Rule IV the body fails to make a recommendation, the Governor General may nominate at his discretion a person belonging to the province or class which the body is deemed to represent.

VIII. If the Governor General shall decline to nominate any person who has been under these Regulations recommended for nomination, a fresh request shall be issued as provided in rule IV, and the procedure laid down in rules V and VII shall apply.

IX. (*a*) As soon as conveniently may be after these regulations come into force, five of the seats held by non-official persons shall be filled up by recommendation under rule II.

(*b*) If there shall not be the full number of five vacancies available at once for this purpose, the Governor General shall determine at his discretion which of the bodies or groups mentioned in rule II shall be requested to recommend the persons to fill up such vacancies as may then be available, and so whenever and as often as any further vacancies among non-official Members become available, until the full number of five has been completed.

[*See* Gazette of India, 1893, Pt. I, p. 345.]

[1] The word "ordinarily" was repealed by Notification No. 22, dated the 12th September, 1901, *see* Gazette of India, 1901, Pt. I, p. 644.

[2] Inserted by Notification No. 22, dated the 12th September, 1901.

[3] Substituted for "two" by Notification No. 33, dated the 23rd December, 1902, *see* Gazette of India, 1902, Pt. I, p. 943.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under Statutes relating to India—*concld.*

THE MERCHANT SHIPPING ACT, 1894 (57 & 58 VICT., C. 60).

Aden as a port of registry for ships.

No. 3586-S. R., dated the 15th June, 1903.—In exercise of the power conferred by section 4, sub-section (*1*), clause (*e*), of the [1]Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), the Governor General in Council is pleased to approve the Port of Aden as a port for the registry of ships, and to appoint the Resident at Aden to be the Registrar of British Ships at the said Port, under the provisions of the said Statute.

[*See* Gazette of India, 1903, Pt. I, p. 519.]

[1] Collection of Statutes relating to India, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders[1] made under General Acts of the Governor General in Council—*contd.*

THE INDIAN REGISTRATION OF SHIPS ACT, 1841 (X OF 1841)—*contd.*

Form of Survey Certificate.

No. 3319, dated 6th August, 1891.—The Governor General in Council approves the suggestion of the Government of Bengal, and, in the exercise of the power conferred by section 8 of Act X of 1841[2] as amended by Act VII of 1891, directs that the certificate of the surveying officer shall in future be in the form attached to this Resolution, instead of the form given in the schedule to the Act.

[1] N. B.—Rules and orders of a temporary nature and orders conferring powers on officials personally by name are omitted.

[2] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

ACT X OF 1841 (AS AMENDED BY ACT VII OF 1891).

(SECTION 8.)

Certificate of Survey.

NAME OF SHIP.	PORT OF INTENDED REGISTRY.	OFFICIAL NUMBER, IF THERE HAS BEEN ANY FORMER REGISTRY.

Whether British or Foreign built.	Whether sailing or steam ship, and, if a steam ship, how propelled.	Where built.	When built.	Name and address of builders.

		Feet.
Number of Decks	Length from fore part of stem under the bowsprit to the aft side of the head of the stern post.	
Number of Masts	Length at quarter of depth from top of weather deck at side amidships to bottom of keel.	
Rigged	Main breadth to outside of plank.	
Stern	Depth in hold from tonnage deck to ceiling at midships.	
Build	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards.	
Galleries	Depth from top of beam amidships to top of keel.	
Head	Depth from top of deck at side amidships to bottom of keel.	
Framework and description of vessel	Round of beam.	
Number of bulkheads ...	Length of Engine-room (if any).	
Number of water ballast tanks and their capacity in tons.		

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN REGISTRATION OF SHIPS ACT, 1841 (X OF 1841)—*contd.*

Form of Survey Certificate—*contd.*

PARTICULARS OF DISPLACEMENT.

Total to quarter the depth from weather deck at side amidships to bottom of keel.	} tons.	Ditto per inch immersion at same depth.	} tons.

PARTICULARS OF ENGINES, &c. (IF ANY).

Number of Engines.	Description.	Whether British or Foreign made.	When made.	Name and address of maker.	Number of and diameter of cylinders.	Length of stroke.	N. H. P. I. H. P. speed of ship.
	Engines ...		Engines ...	Engines.			
	Boilers ...		Boilers ...	Boilers.			
	Number						
	Iron or steel						
	Pressure when loaded.						

NATIONAL ARCHIVES OF INDIA

Form of Survey Certificate—*concld.*

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	Number of tons.	DEDUCTION ALLOWED.	Number of tons.
Under Tonnage Deck		On account of space required for propelling power	
Closed-in spaces above the Tonnage Deck, if any:...		On account of spaces occupied by Seamen or Apprentices and appropriated to their use, and kept free from goods or stores of every kind, not being the personal property of the crew ...	
Space or spaces between Decks		These spaces are the following, namely : ...	
Poop		Deductions under section 3, 52 & 53 Vict., c. 43 (1889), as follows :—	
Forecastle			
Round House			
Other closed-in spaces, if any, as follows :—			
....			
Spaces for machinery and light and air, under section 2, 52 & 53 Vict., c. 43 (1889), if required		Cubic Metres.	
Gross tonnage			
Deduction as per contra			
Registered Tonnage			
		Total ...	

I, the undersigned ——————————, having surveyed the above-named ship, hereby certify that the above particulars are true, and that her Name is marked on each of her bows, and her Name and the Port of Registry are properly marked on a conspicuous part of her stern, a scale of feet marked on each side of her stem and of her stern post, and lines permanently and conspicuously marked on each side amidships indicating the position of each deck which is above water, in manner directed by the Merchant Shipping Acts, 1854 to 1876.

Dated at——————————

this——————day of——————18

——————————

Surveyor.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN REGISTRATION OF SHIPS ACT (1841) AMENDMENT ACT, 1850 (XI OF 1850).

Tonnage of Native Coasting Craft (India and Ceylon).

No. 513, dated the 21st December, 1877.—The Governor General in Council is pleased, in exercise of the power conferred by section 3 of Act XI of 1850[1], to make the following rules for calculating the measurement for tonnage of such native decked ships and vessels employed in coasting voyages or between India and Ceylon as may be registered under that section in British Burma :—

Hull.—Measure the length along the deck from the afterpart of the stem to the forepart of the stern post.

Secondly.—The breadth from the broadest part from skin to skin.

Thirdly.—The depth from under the tonnage deck down the pump well to skin.

Multiply these three dimensions together and divide the product by 130, and the quotient will be the tonnage of the hull of such vessel.

Poop or other closed-in space.

If the vessel have a poop or other closed-in space, measure the inside length, breadth and height of such part thereof as may be included within the bulk-heads, whether enclosed within the foremost bulk-head or not.

Multiply these three measurements together and divide the product by 92·4; the quotient will be the number of tons to be added to the tonnage of hull of such vessel.

NOTE.—In measuring breadth, the skin is the inner side of the inner planking, and if a boat or vessel has no inner planking, a thin batten laid on or against the inner side of the timbers would represent the inner skin, and in measuring depth, the floor timber or, in its absence, the upper part of the kelson shall represent the skin.

[*See* Gazette of India, 1877, Pt. I, p. 747.]

[1] General Acts, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

PARSI MARRIAGE AND DIVORCE ACT, 1865 (XV OF 1865).

Table of Parsi Consanguinity and Affinity.

No. 1720, dated 6th September, 1865.—With reference to section 3 of [1]Act XV of 1865, the following table of the degrees of consanguinity and affinity within which marriage is prohibited among the Parsees, is published for general information :—

TABLE.

A man shall not marry his—

1. Paternal grand-father's mother.
2. Paternal grand-mother's mother.
3. Maternal grand-father's mother.
4. Maternal grand-mother's mother.
5. Paternal grand-mother.
6. Paternal grand-father's wife.
7. Maternal grand-mother.
8. Maternal grand-father's wife.
9. Mother or step-mother.
10. Father's sister or step-sister.
11. Mother's sister or step-sister.
12. Sister or step-sister.
13. Brother's daughter or step-brother's daughter, or any direct lineal descendant of a brother or step-brother.
14. Sister's daughter or step-sister's daughter, or any direct lineal descendant of a sister or step-sister.
15. Daughter or step-daughter, or any direct lineal descendant of either.
16. Son's daughter or step-son's daughter, or any direct lineal descendant of a son or step-son.
17. Wife of son or of step-son, or of any direct lineal descendant of a son or step-son.
18. Wife of daughter's son or of step-daughter's son, or of any direct lineal descendant of a daughter or step-daughter.
19. Mother of daughter's husband.
20. Mother of son's wife.
21. Mother of wife's paternal grand-father.
22. Mother of wife's paternal grand-mother.

[1] General Acts, Vol. I.

NATIONAL ARCHIVES OF INDIA

Table of Parsi Consanguinity and Affinity—*contd.*

23. Mother of wife's maternal grand-father.
24. Mother of wife's maternal grand-mother.
25. Wife's paternal grand-mother.
26. Wife's maternal grand-mother.
27. Wife's mother or step-mother.
28. Wife's father's sister.
29. Wife's mother's sister.
30. Father's brother's wife.
31. Mother's brother's wife.
32. Brother's son's wife.
33. Sister's son's wife.

A woman shall not marry her—

1. Paternal grand-father's father.
2. Paternal grand-mother's father.
3. Maternal grand-father's father.
4. Maternal grand-mother's father.
5. Paternal grand-father.
6. Paternal grand-mother's husband.
7. Maternal grand-father.
8. Maternal grand-mother's husband.
9. Father or step-father.
10. Father's brother or step-brother.
11. Mother's brother or step-brother.
12. Brother or step-brother.
13. Brother's son or step-brother's son, or any direct lineal descendant of a brother or step-brother.
14. Sister's son or step-sister's son, or any direct lineal descendant of a sister or step-sister.
15. Son or step-son, or any direct lineal descendant of either.
16. Daughter's son or step-daughter's son, or any direct lineal descendant of a daughter or step-daughter.
17. Husband of daughter or of step-daughter, or of any direct lineal descendant of a daughter or step-daughter.
18. Husband of son's daughter or step-son's daughter, or of any direct lineal descendant of a son or step-son.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

PARSI MARRIAGE AND DIVORCE ACT, 1865 (XV OF 1865)—*contd.*

Table of Parsi Consanguinity and Affinity—*concld.*

19. Father of daughter's husband.
20. Father of son's wife.
21. Father of husband's paternal grand-father.
22. Father of husband's paternal grand-mother.
23. Father of husband's maternal grand-father.
24. Father of husband's maternal grand-mother.
25. Husband's paternal grand-father.
26. Husband's maternal grand-father.
27. Husband's father or step-father.
28. Brother of husband's father.
29. Brother of husband's mother.
30. Husband's brother's son, or his direct lineal descendant.
31. Husband's sister's son, or his direct lineal descendant.
32. Brother's daughter's husband.
33. Sister's daughter's husband.

NOTE.—In the above table the words "brother" and "sister" denote brother and sister of the whole as well as half blood. Relationship by step means relationship by marriage.

[*See* Gazette of India, 1865, p. 981.]

Certificates of copies of entries in certificate book of Parsi marriages.

No. $\frac{6}{1074\text{-}85}$, *dated the 9th August, 1899.*—In exercise of the powers conferred by section 13-A of Act III of 1872[1] (*to provide a form of marriage in certain cases*), and section 8-A of the Parsi Marriage and Divorce Act, 1865[2], the Governor General in Council is pleased to issue the following orders.

Copies of entries in the Marriage Certificate Book prescribed in section 13 of Act III of 1872 and in the Register of Marriages referred to in section 6 of the Parsi Marriage and Divorce Act, 1865, which Registrars* under these Acts are required to send to the Registrars General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886, shall be certified in the form set forth in the following schedule, and shall be sent at intervals of three months, on or as nearly as possible after the 1st January, April, July and October in each year.

*Except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay under Act XV of 1865.

[1] General Acts, Vol. II.
[2] General Acts, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

PARSI MARRIAGE AND DIVORCE ACT, 1865 (XV OF 1865)—*concld.*

Certificates of copies of entries in certificate book of Parsi marriages—*contd.*

Should no entries be made in a Marriage Certificate Book, or a Register of Marriages, as the case may be, during the preceding three months, a certificate to this effect shall be sent to the Registrar General concerned.

Schedule.

Form of Certificate of truth of copies of entries in Marriage Certificate Book under Act III of 1872 (or Register of Marriages under the [1]Parsi Marriage and Divorce Act, 1865, *as the case may be*) *to be sent to Registrar General.*

Certified that the above, which contains entries from No. regarding to No. regarding is a true copy of all the entries in the Marriage Certificate Book under [2]Act III of 1872 (*or* Register of Marriages under [1]Act XV of 1865, *as the case may be*) kept by me for the three months ending the day of 18 .

Dated the of

(*Signature*)

Registrar of Marriages under [2]Act III of 1872 (or Registrar under the Parsi Marriage and Divorce Act, 1865[1], *as the case may be*) for (*local area*).

[*See* Gazette of India, Supplement, 1889, p. 921.]

[1] General Acts, Vol. I.
[2] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE PRESS AND REGISTRATION OF BOOKS ACT, 1867 (XXV OF 1867).

Exemption of Official Publications from provisions of Printing Presses and Books Act, 1867 (25 of 1867).

No. 1294, dated the 12th March, 1869.—By virtue of the power vested in the Governor General in Council by section 21 of [1] Act XXV of 1867, entitled "An Act for the Regulation of Printing Presses and Newspapers, for the preservation of copies of Books printed in British India, and for the registration of such books," His Excellency in Council is pleased to declare that all books, maps, sketches, charts, and papers printed or published under orders of Government or for official purposes, are exempted from the provisions of the said Act.

[*See* Gazette of India, 1868, Pt. I, p. 374.]

Exemptions of Acts of Indian Legislatures and certain other publications from operation of Act.

No. 5793, dated the 30th December, 1870.—Under section 21 of [1] Act XXV of 1867 (*an Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books*), the Governor General in Council is pleased to exempt from the operation of the said Act all reprints and translations, without comment or annotation, of Acts of the several Indian Legislatures published in British India.

(*See* Gazette of India, 1870, Pt. I, p. 852.)

No. 5604, dated the 21st December, 1871.—By virtue of the power vested in the Governor General in Council by section 21 of Act XXV of 1867[1], entitled "An Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books," His Excellency in Council is pleased to declare that the following publications are exempted from the provisions of the said Act :—

[2][1. *Reprints of books without additions or alterations, and without new notes or commentaries.*]

2. Acts of the Legislative Councils without notes or commentaries.

3. Price lists and tradesmen's circulars.

[1] General Acts, Vol. I.

[2] Cancelled by Notification No. 3276, dated 16th August, 1872, *infra*, p. 155.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE PRESS AND REGISTRATION OF BOOKS ACT, 1867 (XXV OF 1867)—*concld.*

Exemptions of Acts of Indian Legislatures and certain other publications from operation of Act—*contd.*

4. Catalogues of books and other articles, auctioneers' notices, and advertisements.

5. Play bills, comprising advertisements of theatrical and musical entertainments.

6. Decisions of Courts of law without notes or commentaries.

7. Petitions and appeals addressed to constituted authority under the provisions of law.

8. Testimonials of private individuals or public officers.

9. Annual reports of schools, banks, societies, and firms.

10. Almanacs and Calendars.

11. Labels affixed to articles of commerce.

[*See* Gazette of India, 1871, Pt. I, p. 979.]

Withdrawal of exemption of reprints of books.

No. 3276, dated the 16th August, 1872.—Clause 1 of the notification of this Department, No. 5604, dated the 21st December, 1871, exempting from the provisions of Act [1]XXV of 1867 "Reprints of books without additions or alterations, and without new notes or commentaries," is hereby cancelled.

All such reprints will, in future, be registered in accordance with the provisions of the Act.

[*See* Gazette of India, 1872, Pt. I, p. 777.]

Exempting books acquired by Government for educational purposes from Registration Fees.

No. 4823, dated the 21st October, 1869.—By virtue of the power vested in the Governor General in Council by section 21 of Act XXV of 1867[1], entitled "An Act for the Regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books," His Excellency in Council is pleased to exempt from the operation of the clause in section 18 of the said Act, which requires the payment of the sum of two rupees to the officer keeping the catalogue of books, all such books as become the property of Government for educational purposes.

[*See* Gazette of India, 1869, Pt. I, p. 400.]

[1] General Acts, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869).

Application to persons in the service of the Frontier Posts at Chitral and Drosh and extension of Art. 166 to those posts.

No. 246-F., dated the 24th March, 1905.—In exercise of the powers conferred by Part I (Preliminary), heading (*d*) (*Application of Articles*), clause (*g*), of the [1]Indian Articles of War (Act V of 1869), the Governor General in Council is pleased to declare that the said Articles of War shall apply to persons not otherwise subject to military law who are employed by, or are in the service of, or are followers of, or accompany any portion of, His Majesty's Indian forces at the following frontier posts, namely :—

Chitra ,

Drosh ;

and in exercise of the powers conferred by Article 166 of the same Articles, the Governor General in Council is also pleased to extend that Article to the abovementioned frontier posts.

[*See* Gazette of India, 1905, Pt. I, p. 234.]

Appointment of General or District Courts Martial for persons subject to the Indian Articles of War when serving out of India and not under the orders of the Governor General or Governors of Madras and Bombay.

No. 389, dated the 2nd May, 1878.—In exercise of the powers conferred by Act V of 1869[1], articles 73, 79 and 96, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that when any persons subject to the Indian Articles of War are serving out of India and are not under the orders of the Governor General in Council, the Governor of Madras in Council or the Governor of Bombay in Council, the officers under whom such persons are serving, having power to appoint General or District Courts Martial for the trial of offences, committed by any of the officers or soldiers in the service of Her Majesty, are hereby authorised to appoint General and District Courts Martial (as the case may be), for the trial of any offence committed by any person subject to the Indian Articles of War who may be, or may come, within their respective commands; and to appoint at their discretion European instead of Native officers to compose such Courts Martial ; and to confirm, mitigate, remit, commute or annul, in accordance with the said Articles, the sentences of such Courts Martial.

[*See* Gazette of India, 1878, Pt. I, p. 293.]

[1] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Extension of Act to Thal-Chotiali, etc.

No. 417-F., dated the 20th July, 1883.—His Excellency the Governor General of India in Council is pleased to extend the provisions of article 166, Indian Articles of War (Act V of 1869)[1], to the outposts of Thal-Chotiali, Sharigh and Sibi.

[*See* Gazette of India, 1883, Pt. I, p. 302.]

Rules as to attestation and enrolment.

No. 568-F., dated the 31st May, 1895.—In exercise of the powers conferred by Article I, clause (1), of the Indian Articles of War (Act V of 1869)[1], as amended by Act XII of 1894, the Governor General in Council is pleased to declare that the following classes of persons shall respectively be "both enrolled and attested" and "enrolled only," *viz.:*

Persons to be both enrolled and attested.

Hospital Assistants.

Hospital attendants of the Army Hospital Corps.

Warrant officers.

Soldiers.

[2] [Indian Army Reservists joining the Reserve after discharge from the Army.]

Native drivers of Horse, Field and Mountain Batteries.

[3] [Native drivers of Corps of Sappers and Miners.

Attendants on Army Transport mules attached to Native Cavalry regiments for grass duty.]

Bullock-drivers and Mahouts of Heavy Batteries.

[4] [Salutries of all Mountain and Heavy Batteries.]

Shoeing-smiths of Native Mountain Batteries.

Muleteers of Mountain Batteries.

Fort Armament lascars.

Store lascars of Artillery.

Lascars employed in arsenals and depôts.

Lascars of the Corps of Sub-marine Mining Lascars.

[1] General Acts, Vol. II.

[2] Inserted by Notification No. 200, dated 24th February, 1899, *see* Gazette of India, 1899, Pt. I., p. 105.

[3] Inserted by Notification No. 1300-J., dated 4th December, 1896, *see* Gazette of India, Pt. I., p. 964.

[4] Substituted by Notification No. 78-J., dated 27th January, 1899, *see* Gazette of India, 1899, Pt. I, p. 43.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

[1] [Men of the Army Bearer Corps.]

[2][Personnel of the transport establishment.

(*a*) Men of the driver establishment and native supervising staff of mule, pony, bullock, elephant, donkey and camel transport (including silladar camel cadres, but excluding corps composed of the special grantees of land on the Chenab canal).

(*b*) Gun-porters in Assam.

(*c*) Shoeing-smiths and artificers (namely, blacksmiths, saddlers, palan-makers, carpenters, hammermen and bellowsmen).

(*d*) Cooks and bhistis of silladar camel cadres.

(*e*) Syces (except such as are paid by the supervising staff out of their pony allowances).

(*f*) Transport veterinary dafadars.

(*g*) Clerks with transport units][2].

[3] Writers.

[3] Compounders.

[4] [Langris (cooks), langris-bhistis (cooks-water-carriers) and bhistis of Quarter Masters' establishments of all units of the Native Army, entertained after the first day of January nineteen hundred and seven.]

Persons to be enrolled only.

Guides of the Bombay Guide Corps.

[5][Lascars employed in Ordnance Factories.

Artificers employed in arsenals, depôts and factories.]

Bullock-drivers of Horse and Field Batteries.

* * * * * *[6]

Shoeing-smiths or nalbands of other than Native Mountain Batteries.

[1] Inserted by Notification No. 1075-J., dated 5th December, 1902, *see* Gazette of India, 1902, Pt. I, p. 879.

[2] Substituted by Notification No. 995-J., dated 7th November, 1902, *see* Gazette of India, 1902, Pt. I, p. 819.

[3] Added by Notification No. 1198, dated 21st December, 1900, *see* Gazette of India, 1900, Pt. I, p. 846.

[4] Added by Notification No. 597-J., dated the 23rd November, 1906, *see* Gazette of India, 1906, Pt. I, p. 812.

[5] Substituted by Notification No. 1300-J., dated the 4th December, 1896, *see* Gazette of India, 1896, Pt. I, p. 964.

[6] The words "Salutries of other than Mountain Batteries" were expunged by Notification No. 78-J., dated 27th January, 1899, *see* Gazette of India, 1899, Pt. I p. 43.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

Tent lascars serving with Batteries of Artillery, Regiments of British and Native Cavalry and Infantry, and Corps of Sappers and Miners.

Smiths, [1]saddlers, mochies, filemen, firemen and hammermen serving with Batteries of Artillery.

Smiths,* [1]filemen, firemen, and hammermen serving with the Bengal Sappers and Miners.

Smiths[1] and hammermen serving with Madras (Native) Cavalry.

Syces of British Cavalry and Artillery and Madras (Native) Cavalry.

Pakhalis and Bhistis.

[2][Packers.

Sikligars.

Cutters.

Tinsmiths.

Carpenters.]

Sarwans of camels furnished by special grantees of land on the Chenab canal.] [3][Personnel of the transport establishment.

II. In exercise of the powers conferred by Article 190 of the Indian Articles of War and with reference to Part II, Article I, clauses 2 and 3, of the same Articles, the Governor General in Council is pleased to make the following rules, namely :

(1) Enrolment shall be effected by entering the name of the person consenting to be enrolled in a Long Roll * * *[4] to be maintained in every Corps and Department of Her Majesty's Indian Forces for this purpose.

(2) The officer before whom a person to be attested shall be taken shall be the Commanding Officer of the Corps or Department in which such is about to be enrolled as defined by the said Articles of War, or some Magistrate.

(3) The forms of attestation to be used are hereto annexed.

[1] The word "carpenters" was omitted by Notification No. 1198-J., dated 21st October, 1900, *see* Gazette of India, 1900, Pt. I, p. 846.

[2] These entries were inserted by Notification quoted in note 1 above.

[3] Substituted by Notification No. 995-J., dated 7th November, 1902, *see* Gazette of India, 1902, Pt. I, p. 819, for the entries as amended by Notification No. 781-J., dated the 15th July, 1898, and No. 580, dated the 28th June, 1901, *see* Gazette of India, 1899, Pt. I, p. 43, and *ibid*, 1901, p. 434, respectively.

[4] The parenthesis "(India Army Form 250)" was omitted by Notification No. 300-J., dated 4th December, 1896, *see* Gazette of India, 1896, Pt. I, p. 964.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

FORMS OF ATTESTATION.

Attestation document for—

Soldiers.

[1] [Salutries of Mountain and Heavy Batteries.]

Shoeing-smiths of Native Mountain Batteries.

Native Drivers of Horse, Field and Mountain Batteries.

Bullock-drivers and Mahouts of Heavy Batteries.

ATTESTATION OF

No._____ _____Corps_____

Enrolled at _____on the_____

With effect from_____

[*Questions to be put to the*]*Recruit before Attestation.*][2]

1. What is your name?	1._____
2. What is your father's name?	2_____
3. What is your Village, Pergunnah and District?	3. (Village, Pergunnah, District) _____
4. What is your age?	4. (Years)_____

You are hereby warned that if after attestation it is found that you have given a wilfully false answer to any of the

[1] Substituted by Notification No. 78-J., dated 27th January, 1899, *see* Gazette of India, 1899, Pt. I, p. 43.

[2] Substituted for the word "enrolment" by Notification No. 697, dated 12th June, 1896, *see* Gazette of India, 1896, Pt. I, p. 455.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

following questions, you will be liable to a punishment of such imprisonment as a Court Martial may think fit to award.

5. What is your caste? 5._____

6. Have you ever been sentenced to imprisonment by the Civil Power? 6._____

7. Do you now belong to Her Majesty's Indian Forces. 7._____

* 8. Have you ever served in Her Majesty's Indian Forces, or in the Indian Reserve? If so, state which, and cause of discharge? 8._____

9. Have you ever been discharged from any part of Her Majesty's Indian Forces by Court Martial? 9._____

10. Have you truly stated the whole, if any, of your previous Service? 10._____

11. Are you willing to serve upon the following conditions in the— 11._____

(*a*) For general service, whether within the territories under the Indian Government or beyond them.

In time of peace, after having served for three years, on making application for your discharge through the commanding officer of your company (troop or battery), it will be granted to you in two months from the date of application provided it does not cause the vacancies in the company (troop or battery) to exceed ten, in which case you must remain until that objection be removed, or waived by competent authority; but in time of war you have no claim to a discharge, and you must remain and do your duty until the necessity of

* If so, the Recruit is to be asked the particulars of his former service, and to produce, if possible, his parchment certificate of discharge and certificate of character, which should be returned to him conspicuously endorsed, in red ink as follows, *viz.*—
Name_____re-enlisted in the (Regimen) _____on the (Date)_____

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

retaining you in the service shall cease. In the event of your re-enlisting you have no claim to reckon your previous service[1] to discharge.

[Not applicable to the Malwa and Meywar Bhil Corps.]

If you have enlisted as a sepoy musician, trumpeter, drummer, fifer, bugler, artificer, [2][armourer mochi] or engine-driver, or shall hereafter elect to serve in any of the above classes, you shall be liable to be held to serve for ten years unless by transfer to the ranks, or otherwise, you become entitled to claim your discharge under the regulations.

[3] [If you have enlisted in a regiment—

(*i*) in the Madras or Bombay Command as a tailor, or

(*ii*) in the Madras Command as an army schoolmaster, farrier, havildar, shoeing-smith or artificer,

or shall hereafter elect to serve in, or shall hereafter be promoted to, any of the classes aforesaid, you shall be liable to serve for five years from the date on which (having previously obtained the necessary qualifications) you shall have entered on any of the duties above referred to.]

(*b*) If you are enlisted for one battalion of a regiment of infantry or group of linked battalions, you are liable to serve in any other of the battalions which may at any time be linked with the battalion with which you are serving, and will be transferred thereto, if required, whenever the Government of India may consider it necessary* * * [4].

[5][(*c*) If you are enlisted as a $\frac{\text{sepoy}}{\text{sowar}}$ ward orderly, you are liable to be transferred for temporary duty in general and field hospitals, whenever your services may be required and for such periods as may be thought necessary.]

[1][Not applicable to sepoy ward orderlies of the three Corps of Sappers and Miners.]

[1] Inserted by Notification No. 322-J., dated the 18th April, 1902, *see* Gazette of India, 1902, Pt. I, p. 292.

[2] Inserted by Notification No. 1300-J., dated the 4th December, 1896, *see* Gazette of India, 1886, Pt. I, p. 964.

[3] Substituted by Notification No. 1068-J., dated the 29th September, 1899, *see* Gazetteof India, 1890, Pt. I, p. 860, for the paragraph added by Notification No. 1300-J., dated the 4th December, 1896, *see* Gazette of India, 1896, Pt. I, p. 964.

[4] The words "to make preparation for active service" were repealed by Notification No. 588-J., dated the 8th June, 1900 *see* Gazette of India, 1900, Pt. I, p. 364.

[5] Added by Notification No. 317-J., dated 19th March, 1897, *see* Gazette of India, 1897, Pt. I, p. 225.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

[1][(*d*) If you are enlisted for the artillery you will be liable to be posted or transferred to any battery within the group for which you may enlist as circumstances may require.]

[2][(*e*) If you are enlisted for the 21st Regiment of Bombay Infantry you are liable to serve at sea upon such ship or vessel as may be ordered by superior authority.]

I,_____, do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagements made.

Signature of Recruit_____

Signature of Witness_____

OATH TO BE TAKEN BY RECRUIT ON ATTESTATION.

I,_____, do*_____ that I will be faithful and bear true Allegiance to Her Majesty, Her Heirs, and Successors, and that I will, as in duty bound, honestly and faithfully serve in Her Majesty's Indian forces and go wherever I may be ordered by land or sea, and that I will observe and obey all commands of any officer set over me, even to the peril of my life.

Signature of Recruit_____

Signature of Witness_____

CERTIFICATE OF MAGISTRATE OR ATTESTING OFFICER.

The Recruit above named was cautioned by me that if he made any false answer to any of the above questions he would be liable to be punished as provided in the Indian Articles of War.

The above questions were then read to the Recruit in my presence.

* Solemnly affirm—(if a Sikh) swear.

[1] The lettering of this clause was altered by Notification No. 317-J., dated 19th March, 1897, *see* Gazette of India, 1897, Pt. I, p. 225.

[2] Added as clause (*d*) by Notification No. 951-J., dated 25th August, 1899, *see* Gazette of India, 1899, Pt. I, p. 797, but the original clause (*c*) was relettered (*d*) by the notification quoted in note 1 on this page.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and the said recruit has made and signed the declaration and oath before me at _____ on this _____ day of _____ 189 .

_____

Signature of Magistrate or Attesting Officer.

ATTESTATION DOCUMENT OF SUB-HOSPITAL ASSISTANT.

Attestation document of Sub-Hospital Assistant _____ _____ Subordinate Medical Department.

I, _____ (name and caste in full) _____, son of _____ (name of father) _____ inhabitant of _____ (village, pergunnah and district) _____ do swear that I will never forsake or abandon my colours; that I will be faithful to Her Majesty, Her Heirs, and Successors, that I will go wherever I am directed, whether within or beyond Her Majesty's Indian Territories, by land or sea; that I will implicitly obey all the orders of my commanders, and of any officer set over me, even to the peril of my life, and in everything behave myself as becomes a good soldier and a faithful servant of Her Majesty, and failing in any part of my duty as such, I will submit to the penalties described in the Indian Articles of War which have been read to me. I further engage to serve Government for a period of seven years in the class of *Hospital Assistant;* and I hereby engage, if I voluntarily seek my discharge before the expiry of that period, to refund all and any money which I may have drawn from Government in the form of pay or allowance of any sort.

Two Witnesses' signatures _____

_____

Station _____

Date _____ 189 . Signature of Sub-Hospital Assistant.

Attested before me this _____ day of _____ 189 .

_____

Signature of Attesting Officer.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

ATTESTATION DOCUMENT OF A RECRUIT FOR THE ARMY HOSPITAL CORPS.

Attestation document of_____, a recruit for the_____class of the Army Hospital Corps.

I,_____(name and caste in full)_____, son of _____(name of father)_____ inhabitant of_____(village, pergunnah and district)_____ do*_____that I will serve in Her Majesty's Indian Forces as a Hospital attendant of the_____class, and with troops or departments of either the British or the Indian Army, as directed, until I attain the age of fifty-five years, or until I am lawfully released from the service.

I further*_____that I will be faithful to Her Majesty, Her Heirs, and Successors, and that I will go wherever I am ordered, by land or by sea, and will obey all commands of the officers set over me, even to the peril of my life.

_____

Signature, seal, or mark of the recruit.

_____

_____

Signatures or seals of two witnesses.

Station_____

Date_____189 .

Attested before me this_____day of_____ one thousand eight hundred and ninety_____.

_____

Attesting Officer.

* Solemnly affirm—(if a Sikh) swear.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

ATTESTATION DOCUMENT FOR MULETEERS OF MOUNTAIN BATTERIES.

Attestation document of _____, a recruit for the appointment of muleteer of Mountain Batteries.

I, _____ (name and caste in full), son of _____ (name of father) inhabitant of _____ (village, pergunnah and district)

do* _____

that I will serve in Her Majesty's Indian Forces as a muleteer of Mountain Batteries and with troops of either the British or the Indian Army, as directed until I attain the age of fifty-five years, or until I am lawfully released from the service.

I further* _____ that I will be faithful to Her Majesty, Her Heirs, and Successors, and that I will go wherever I am ordered, by land or by sea, and will obey all commands of the officers set over me, even to the peril of my life.

_____

Signature, seal or mark of the recruit.

_____

_____

Signature or seals of two witnesses.

Station _____

Date _____ 189 .

Attested before me this _____ day of _____ one thousand eight hundred and ninety _____.

_____

Attesting Officer.

* Solemnly affirm—(if a Sikh) swear.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

ATTESTATION DOCUMENT FOR—

FORT ARMAMENT LASCARS.

STORE LASCARS OF ARTILLERY.

Attestation document of_____, a recruit for the appointment of *_____.

I, _____ (name and caste in full), son of _____ (name of father) inhabitant of _____ (village, pergunnah and district) do† _____

that I will serve in Her Majesty's Indian Forces as a *_____

_____

until I attain the age of fifty-five years, or until I am lawfully released from the service.

I further† _____ that I will be faithful to Her Majesty, Her Heirs, and Successors, and that I will go wherever I am ordered, by land or by sea, and will obey all commands of the officers set over me, even to the peril of my life.

_____

Signature, seal, or mark of the recruit.

_____

_____

Signature or seals of two witnesses.

Station_____

Date_____ 189 .

Attested before me this_____ day of_____ one thousand eight hundred and ninety_____.

_____

Attesting Officer.

* Here enter "Fort Armament Lascars" or "Stores Lascars."
† Solemnly affirm—(if a Sikh) swear

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

ATTESTATION DOCUMENT FOR LASCARS OF THE ORDNANCE DEPARTMENT.

_____ { ARSENAL / DEPOT.

Attestation of (Name)_____
(Caste)_____entertained as a Lascar in the Ordnance Department on the_____189 .

Questions by the Ordnance Officer and Answers given by the Candidate.

Q.—What is your name?
A.—
Q.—What is your village and country?
A.—
Q.—What are the names of your parents?
A.—
Q.—What is your age?
A.—
Q.—Have you ever before been in the service of Government?
A.—
Q.—Are you willing to be attested to service in the Ordnance Department until legally discharged?
A.—

DECLARATION OF CANDIDATE.

I, _____, do solemnly and sincerely declare to the best of my knowledge and belief that the answers to the above questions are true.

Signature of Candidate_____

Signature of Witness present_____

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

AFFIRMATION OR OATH MADE BY CANDIDATE.

I,_____do solemnly *_____that I will be faithful to Her Majesty the Queen, Her Heirs and Successors; that I will serve in the Ordnance Department until legally discharged; that I will go wherever I am ordered, by land or sea, and will obey all commands of any officer set over me, even to the peril of my life.

Signature of Candidate_____

Signature of Witness present _____

CERTIFICATE OF MAGISTRATE OR ATTESTING OFFICER.

The recruit above named was cautioned by me that if he made any false answer to any of the above questions he would be liable to be punished as provided in the Indian Articles of War. The above questions were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and that the said recruit has made and signed the declaration and oath before me at_____on this_____ day of_____189 .

Signature of Magistrate or Attesting Officer.

N. B.—When oath is made by those professing the Christian religion, instead of the affirmation, it shall commence—

I, _____, do swear that I will be faithful to Her Majesty the Queen-Empress, Her Heirs and Successors, and will go wherever I am ordered by land or sea, and will obey all commands of the officers set over me, even to the peril of my life. So help me God.

ATTESTATION DOCUMENT FOR LASCARS OF THE CORPS OF SUBMARINE MINING LASCARS.

Attestation of _____Caste _____entertained as a Lascar in the Corps of Submarine Mining Lascars on the _____189 .

* Solemnly affirm—(if a Sikh) swear.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

Questions by the Officer in charge of Submarine Mining Defences and Answers given by the Candidate.

Q.—What is your name?

A.—

Q.—What is your village and country?

A.—

Q.—What are the names of your parents?

A.—

Q.—What is your age?

A.—

Q.—Have you ever before been in the service of Government?

A.—

Q.—Are you willing to be attested to service in the Corps of Submarine Mining Lascars until legally discharged?

A.—

DECLARATION OF CANDIDATE.

I,_____, do solemnly and sincerely declare to the best of my knowledge and belief that the answers to the above questions are true.

Signature of Candidate_____

Signature of Witness present_____

AFFIRMATION OR OATH MADE BY CANDIDATE.

I,_____, do solemnly affirm * that I will be faithful to Her Majesty the Queen, Her Heirs and Successors; that I will serve in the Corps of Submarine Mining Lascars until legally discharged; that I will go wherever I am ordered, by land or sea, and will obey all commands of any officer set over me, even to the peril of my life.

Signature of Candidate_____

Signature of Witness present_____

* Solemnly affirm—(if a Sikh) swear.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

CERTIFICATE OF MAGISTRATE OR ATTESTING OFFICER.

The recruit above named was cautioned by me that if he made any false answer to any of the above questions he would be liable to be punished as provided in the Indian Articles of War. The above questions were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and that the said recruit has made and signed the declaration and oath before me at_____on this_____day of_____189 .

Signature of Magistrate or Attesting Officer.

N.B.—When oath is made by those professing the Christian religion, instead of the affirmation, it shall commence—

I,_____, do swear that I will be faithful to Her Majesty the Queen, Her Heirs, and Successors, and will go wherever I am ordered, by land or sea, and will obey all commands of the officers set over me, even to the peril of my life. So help me God.

[1] [FORM OF ATTESTATION FOR TRANSPORT ESTABLISHMENT.]

[A.—Form of Attestation paper.

Attestation document of_____, a recruit for the*_____establishment of the supply and transport corps, or for the establishment of attendants of army transport mules attached to native cavalry regiments for grass duty.

I (name in full and caste) son of (name of father), inhabitant of (village, parganah, zilla and province) do†_____ that I will serve in His Majesty's Indian transport as a_____ and with troops, corps, or departments of either the British or the Indian Army as directed for a period of _____years, or until I am lawfully released from the service.

I further‡_____ that I will be faithful to His Majesty the King and Emperor of India and to His said Majesty's

* Here insert "driver, Veterinary or Artificer."

† Solemnly affirm in the presence of Almighty God.

(If a Sikh) swear by the Guru Granth Sahib.

‡ Solemnly affirm—(if a Sikh) swear.

[1] Substituted by Notification No. 995, dated 7th November, 1902, *see* Gazette of India, 1902, Pt. I, p. 819. for the form added by Notification No. 781-J., dated the 15th July, 1898, *see* Gazette of India, 1898, Pt. I, p. 783.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

Indian Government; and that I will go wherever I am ordered, by land or by sea, and will obey all commands of the officers set over me, even to the peril of my life.

Signature, seal or mark of recruit.

Signatures or seals of two witnesses.

Station———

Date———

Attested before me this——— day of——— one thousand——— hundred and ———

Attesting Officer.

B.—The following declaration shall be explained to each recruit in his own vernacular.

1, 10, 7, 6, or 3, as the case may be. During the period of years for which you are being enrolled and attested, or until you are lawfully released from the service, you will be liable for general service in and out of India and beyond the sea.

Special clause for recruit enrolled and attested for the reserve—In time of peace you will be called out for training for ordinarily 31 days in each year, / muster twice a year, due notice of such training / muster being sent you by post. Want of funds for travelling expenses will in no case be accepted as excuse for absence from such training. / muster.

In time of peace, after you have served the period of service for which you may have engaged or re-engaged, you may claim your discharge through the transport officer under whom serving, and it will be granted you. But in time of war, or exceptional sickness, or when war is imminent, you will have no claim to such discharge and you will have to remain and do your duty until the necessity for retaining you shall cease.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

[1][ATTESTATION DOCUMENT OF THE ESTABLISHMENT EMPLOYED AT THE MEDICAL STORES DEPARTMENT.]

I, _____ (name and caste in full), son of _____ (name of father), inhabitant of _____ (village, pergunnah and district) do* _____ that I will serve in Her Majesty's Indian Medical Stores Department as a† _____ until I attain the age of fifty-five years, or until I am lawfully released from the service.

I further* _____ that I will be faithful to Her Majesty, Her Heirs, and Successors, and that I will go wherever I am ordered, by land or by sea, and will obey all commands of the officers set over me, even to the peril of my life.

_____

Signature, seal or mark of the employé.

_____

_____

Signatures or seals of two witnesses.

Station _____

Date _____ 19 .

Attested before me this _____ day of _____ one thousand nine hundred _____.

_____

Attesting Officer.

[2][ATTESTATION DOCUMENT FOR INDIAN ARMY RESERVISTS JOINING THE RESERVE AFTER THEIR DISCHARGE FROM THE ARMY.]

Attestation of

No. _____ Name _____ Corps _____

enrolled at _____ on the _____

with effect from _____

* Solemnly affirm—(if a Sikh) swear.

† Here enter class of establishment.

[1] Added by Notification No. 1198, dated 21st December, 1900, *see* Gazette of India, 1900, Pt. I, p. 846.

[2] Inserted by Notification No. 200, dated 24th February, 1899, *see* Gazette of India, 899, Pt. I, p. 106.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

Questions to be put to the Reservist before attestation.

1. What is your name? 1._____

2. What is your father's name? 2._____

3. What is your village, pergunnah and district? 3. Village _____ Pergunnah _____ District _____

4. What is your age? 4. .....(years).....

You are hereby warned that if after attestation it is found that you have given a wilfully false answer to any of the following questions, you will be liable to a punishment of such imprisonment as a Court-Martial may think fit to award.

5. What is your caste? 5._____

6. Have you ever been sentenced to imprisonment by the Civil power? 6._____

7. Do you now belong to Her Majesty's Indian Forces, or to the Indian Reserve? If so, to what Corps? 7._____

* 8. Have you ever served in Her Majesty's Indian Forces, or in the Indian Reserve? If so, state which, and cause of discharge. 8._____

9. Have you ever been discharged from any part of Her Majesty's Indian Forces by Court-Martial? 9._____

10. Have you truly stated the whole, if any, of your previous service? 10._____

* If so, the reservist is to be asked the particulars of his former service, and to produce, if possible, his parchment certificate of discharge and certificate of character. This certificate will be retained by the Officer Commanding the battalion or battery the man wishes to join, who will be given in exchange a parchment reserve certificate, Indian Army Form D-156.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

11. Are you willing to serve upon the following conditions in the Indian Army Reserve? 11. ——————

(*a*) You are liable to be called on for general service, whether within the territories under the Indian Government or beyond them.

In time of peace you can claim your discharge at any time but in time of war, or, when in the opinion of the Government of India, there is an immediate prospect of war, you have no claim to discharge, and you must remain in the reserve until the necessity for retaining you in the service shall cease.

(*b*) You are liable from time to time to appear at the time and place of assembly prescribed by your Commanding Officer when called out for training, or for service, and are liable to be retained with the colours as long as your attendance may be necessary.

(*c*) When called out for service you are liable to serve in any of the battalions of the group of your regimental reserve centre, or in any battalion that may hereafter be added to the group.

(*d*) If you are enrolled for the Mountain Artillery Reserve, you are when called out for service liable to be posted, or subsequently transferred, to any battery within the group to which you belonged when serving with the colours, or to any battery which may hereafter be added to that group.

If you are enrolled for the Royal Horse and Field Artillery Reserve, you are liable to serve with any battery of these branches, or with an ammunition column unit.

I, ——————, do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagements made.

——————Signature of Reservist——————Signature of Witness.

OATH TO BE TAKEN BY RESERVIST ON ATTESTATION.

I, ——————, do*——————
that I will be faithful and bear true allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in duty bound, honestly and

* Solemnly affirm—(if a Sikh) swear.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*contd.*

faithfully serve in Her Majesty's Indian Forces, and go wherever I may be ordered, by land or sea, and that I will observe and obey all commands of any officer set over me, even to the peril of my life.

Signature of Reservist_____

Signature of Witness_____

CERTIFICATE OF MAGISTRATE OR ATTESTING OFFICER.

The Reservist above named was cautioned by me that if he made any false answer to any of the above questions he would be liable to be punished as provided in the Indian Articles of War.

The above questions were then read to the Reservist in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and the said Reservist has made and signed the declaration and oath before me at_____ on this_____ day of_____ 189 .

Signature of the Attesting Officer.

[ATTESTATION DOCUMENT FOR MEN OF THE ARMY. BEARER CORPS.

Attestation document of_____, a recruit for the Army Bearer Corps.

I _____ (name and caste in full), son of _____ (name of father) inhabitant of _____ (village, tahsil and district) and now aged _____ years, do*_____ that I will serve in the Army Bearer Corps of His Majesty's Indian Forces until I am lawfully released from the service, provided that in time of peace, war not being imminent and no emergency existing, I shall be entitled to my discharge after having served for three years.

[1][I further _____ that I will be faithful to His Majesty the King, His Heirs and Successors, and that

* Solemnly affirm—(if a Sikh) swear.

[1] Inserted by Notification No. 1075, dated 5th December, 1902, *see* Gazette of India, 1902, Pt. I, p. 879.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Rules as to attestation and enrolment—*concld.*

I will go wherever I am ordered, by land or by sea, and will obey all commands of the officers set over me, even to the peril of my life.

Signature, or seal, or mark of the recruit.

Signatures or seal of two witnesses.

Station _____

Date _____ 190 .

Attested before me this _____ day of _____

one thousand nine hundred _____.

Attesting Officer.]

[*See* Gazette of India, 1895, Pt. I, p. 490.]

Non-commissioned officers of the Supply and Transport Corps.

No. 475-7., dated the 22nd May, 1903.—In exercise of the powers conferred by Article 2, sub-article (1), of the Indian Articles of War (Act V of 1869), and in supersession of the Notification of the Government of India in the Military Department, No. 898, dated the 3rd October, 1902, the Governor General in Council is pleased to direct that all persons of the classes specified below, being subject to the said Articles and serving with the Supply and Transport Corps, shall, for all the purposes of those Articles, be deemed to be Non-Commissioned Officers; Provided that they shall not be entitled to any Command except over persons serving with the said Corps :—

Veterinary Duffadars Naiks Lance Naiks	of Army Transport Establishments.
Jemadars Duffadars	of provisionally organized Mule Corps.

[*See* Gazette of India, 1903, Pt. I, p. 369.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Commanding Officer to be the prescribed Military authority.

No. 182-J., dated the 12th February, 1897.—In exercise of the powers conferred by part I, clause (*e*), sub-clause (2), and article 190 of the Indian Articles of War (Act V of 1869), the Governor General in Council is pleased to declare that the Officer Commanding the troops to which an accused person subject to the said Articles belongs, shall be "the prescribed military authority" for the purposes of Articles 174 and 175.

[*See* Gazette of India, 1897, Pt. I, p. 123.]

Procedure of Courts-martial (Native Army).

No. 710-J., dated the 30th June, 1899.—In exercise of the powers conferred by Article 190 of the Indian Articles of War (Act V of 1869 as amended by Act XII of 1894), the Governor General in Council is pleased to make the following rules to regulate the procedure of Courts-martial under those Articles:

Rules of Procedure for Courts-martial under the Indian Articles of War.

Limitation of trial.

1. No person subject to these Articles shall be tried or punished by court-martial for any military offence after the expiration of three years from the date of such offence, unless the offender, by reason of absence or some other manifest impediment, could not be arrested or confined and brought to trial within that period; in which case he shall be liable to be tried at any time not exceeding two years after such impediment has ceased.

Indian Article of War 99.

Place of trial.

2. Any person subject to the Indian Articles of War, who commits any offence against them, may be tried and punished for such offence at any place whatever in the same manner as if the offence had been committed in such place.

Indian Article of War 180.

Bar to second trial.

3. When any person subject to these Articles has been acquitted or convicted of an offence by a Criminal Court or has been summarily dealt with under Indian Article of War 165 or 166, he shall not be liable to be again tried for the same offence by a court-martial, or dealt with summarily in respect of it under either of the said Articles.

Rule of procedure.

Military custody.

4. A commanding officer will take care that a person under his command, when charged with an offence, is not detained in military custody for more than forty-eight hours after the committal of such person into custody

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

is reported to him, without the charge being investigated, unless such investigation seems to him impracticable with due regard to the public service. Every case of detention beyond a period of forty-eight hours, and the reason hereof, shall be reported by the commanding officer to the general or other officer commanding the district or station.

Rule of procedure 3.

Investigation of charges.

5. Every charge against a person subject to the Indian Articles of War will be heard in the presence of the accused. The accused will have full liberty to cross-examine any witness against him and to call any witnesses and make any statement in his defence.

Rule of procedure.

Investigation of charges.

6. (*a*) The commanding officer will dismiss a charge brought before him, if, in his opinion, the evidence does not show that an offence under the Indian Articles of War has been committed, or if in his discretion he thinks the charge ought not to be proceeded with.

(*b*) At the conclusion of the hearing of a charge, if the commanding officer is of opinion that it ought to be proceeded with, he shall without unnecessary delay, dispose of the case either summarily if he has power so to deal with the offender or by remanding him for trial by court-martial or by reference to the proper superior military authority.

(*c*) If the accused is remanded for trial by court-martial, the commanding officer shall, without unnecessary delay, either issue an order for the assembly of a court-martial, or apply to the proper military authority to convene a court-martial, as the case requires; this delay and any delay in the reference to superior military authority should not ordinarily exceed thirty-six hours.

Rules of procedure under Army Act, paragraph 5, modified.

Procedure and summary of evidence on remand for trial by general or district court-martial.

7. (*a*) Where the accused is remanded by his commanding officer for trial by general or district court-martial, the evidence of the witnesses who were present before the commanding officer shall be taken down in writing in a narrative form in the presence of the prisoner, who, if there is any variance between the evidence of any witness so taken down and the evidence previously given before the commanding officer, shall be allowed to put questions to the witness with reference to such variance, and such questions with the answers shall be added in writing to the evidence taken down.

(*b*) The evidence of each witness when taken down as provided in (*a*) shall be read over to him. Any statement of the prisoner material to his defence shall be added in writing.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*c*) The above evidence and the statement, if any, shall be taken down before the commanding officer, or such officer as he directs, and if the commanding officer thinks it desirable, he may re-hear the case and reconsider his decision and dispose of it as provided by rule 6 (*b*.)

(*d*) The evidence and statement (if any) taken in pursuance of this rule (in these rules referred to as the summary of evidence), or a true copy thereof, shall be laid before the court-martial before whom the prisoner is tried on the assembly of the court.

Army Regulations, India, Volume II, paragraph 426.

Examination of accused or suspected person.

8. When a person accused or suspected of an offence is taken before his superior officer, or before a court of inquiry, or inquest, he should not be authoritatively required to make any statement of his conduct in that matter, and no statement or evidence given by him before his superior officer or before a court of inquiry or a court of inquest should be received before he has been warned that his statement or evidence may be used against him in the event of further proceedings being instituted.

Rules of procedure, paragraph 6, page 595, modified.

Summary award of punishment by commanding officer.

9. (*a*) A term of imprisonment by a commanding officer should be awarded in days and will commence to run from the day of award.

(*b*) When the commanding officer has once awarded punishment for an offence, he cannot afterwards increase that punishment for that offence.

Rules of procedure A-A, paragraph 7, modified to suit Indian Articles of War.

No right of trial by court-martial in lieu of summary award.

10. A person amenable to the Indian Articles of War has no right to claim a trial by court-martial instead of submitting to the summary award of his commanding officer, but the commanding officer may, if he thinks proper, vindicate the justice of his award finding such person guilty by remanding him for trial by court-martial instead of punishing him summarily, but he must do so before the prisoner leaves his presence after the award is made.

Army Regulations, India, Volume II, paragraph 377.

Preliminary inquiry into charges.

11. (*a*) When an accusation is made against a native officer or charges of a serious nature are preferred against any individual subject to the Indian Articles of War, a court of inquiry is to be held, when considered necessary, by superior authority to investigate the case, the proceedings of which are to accompany the application (when made) for a general court-martial. Such court of inquiry will merely collect all available evidence, but will express no opinion.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

12. The discipline of the Native army depends in great measure on the summary court-martial. When a soldier or other native amenable to the Indian Articles of War has committed an offence which is ordinarily triable by summary court-martial, commanding officers, when determining by what court the prisoner is to be tried, are to bear in mind that the legislature, in conferring upon them the powers of a summary court-martial, intends that they shall exercise these powers. Army Regulations, India, Volume II, paragraph 381-A.

The cases ought, therefore, to be few which should be remanded for trial by regimental court-martial, and trial by this class of court is to be restricted as far as possible.

Prisoner's preparation for defence.

13. A prisoner for whose trial a court-martial has been ordered to assemble shall be afforded proper opportunity of preparing his defence, and shall be allowed free communication with his witnesses, and with any friend or legal adviser whom he may wish to consult. Rules of procedure, paragraph 13, modified.

Opportunity for prisoner to prepare defence.

14. Charges for submission to a district court-martial will be sent by commanding officers, through the officer commanding the station, to the convening authority, who will ordinarily, when the case presents no special difficulties, pass his orders thereon without calling for a report from [1] [the deputy or assistant judge-advocate general]. Army Regulations, India, Volume III, paragraph 384.

Charges to be sent to deputy judge-advocate.

Similarly, the proceedings after trial will be sent direct to the confirming authority, who will ordinarily deal with them at once without waiting for a report from [1] [the deputy or assistant judge-advocate general].

Any case of doubt or difficulty should always be referred to [1] [the deputy or assistant judge-advocate general], more especially charges of civil offences and offences connected with accounts, or which are of a fraudulent nature as distinct from ordinary theft.

Applications for trial from out-stations should be passed on by transmitting officers usually on the day of their receipt.

Framing charges.

15. (*a*) A charge-sheet contains the whole issue or issues to be tried by a court-martial at one time. Rules of procedure, paragraph 9.

Charge-sheet and charge.

(*b*) A charge means an accusation contained in a charge-sheet that a person amenable to military law has been guilty of an offence.

(*c*) A charge-sheet may contain one charge or several charges.

[1] Substituted by Notification No. 848-J., dated the 6th October, 1905, *see* Gazette of India, 1905, Pt. I, p. 711.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Rules of procedure, paragraph 10, modified.

Form of charge-sheet.

16. (*a*) Every charge-sheet will begin with the name and description of the person charged, and should state, in the case of an officer, his name, and corps (if any); in the case of soldier or an attested or enrolled follower, his name, number, rank and corps (if any); and when he does not at the time of the trial belong to the regular forces, should show by the description of him, or directly by an express averment, that he is amenable to military law, in respect of the offence charged.

Army Regulations, India, Volume II, paragraph 407.

(*b*) When a soldier holding an appointment is brought to trial by court-martial, he is to be arraigned in his army rank with his appointment also designated, thus—

No. ...Sowar (lance duffadar) R. B, ——Regiment.

No. ...Sepoy or private (lance naik) N. F. ——Regiment.

Rules of procedure, paragraph 11, modified.

Contents of charge.

17. (*a*) Each charge should state one offence only, and in no case should an offence be described in the alternative in the same charge.

(*b*) Each charge should be divided into two parts—

(1) the statement of the *offence;* and

(2) the statement of the *particulars* of the act, neglect or omission constituting the offence.

(*c*) The offence should be stated, if not a civil offence, in the words of the Indian Articles of War, and, if a civil offence, in such words as sufficiently describe that offence, but not necessarily in technical words.

(*d*) The *particulars* should state such circumstances respecting the alleged offence as will enable the accused to know what act, neglect or omission is intended to be proved against him as such offence.

(*e*) The *particulars* in one charge may be framed wholly or partly by a reference to the particulars in another charge, and in that case so much of the latter particulars as is so referred to shall be deemed to form part of the first-mentioned charge as well as of the other charge.

(*f*) Where it is intended to prove any facts in respect of which any deduction from ordinary pay can be awarded as a consequence of the offence charged, the *particulars* should state those facts and the sum of the loss or damage it is intended to charge.

(*g*) When a prisoner is charged with any loss or damage, the sum of such loss or damage is to be specified in the particulars of the charge.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

18. (*a*) A charge-sheet shall not be invalid by reason only of any mistake in the name or description of the person charged, if he does not object to the charge-sheet during the trial, and it is not shown that injustice has been done to the person charged.

Validity of charge-sheet.

Rules of procedure, paragraph 12.

(*b*) In the construction of a charge-sheet or charge there shall be presumed in favour of supporting the same every proposition which may reasonably be presumed to be impliedly included though not expressed therein.

19. (*a*) At any time during the trial, if it appears to the court that there is any mistake in the name or description of the prisoner in the charge-sheet, the court may amend the charge-sheet so as to correct that mistake.

Amendment of charge.

Rules of procedure, paragraph 33.

(*b*) If on the trial of any charge it appears to the court, at any time before they have begun to examine the witnesses, that in the interests of justice any addition to, omission from, or alteration in the charge is required, they may report their opinion to the convening authority, and may adjourn, and the convening authority may either direct a new trial to be commenced, or amend the charge, and order the trial to proceed with such amended charge after due notice to the prisoner.

20. (*a*) The prisoner before being arraigned should be informed by an officer of every charge on which he is to be tried, and also that on his giving the names of witnesses whom he desires to call, reasonable steps will be taken for procuring their attendance, and those steps shall be taken accordingly.

Warning of prisoner.

Rules of procedure, paragraphs 31-32, Army Regulations, India, Volume II, paragraph 388.

The interval between the prisoner's being informed of the charges against him and his arraignment should be such as to allow him time to have his witnesses present, and to consider his defence.

(*b*) The officer at the time of so informing the prisoner should give the prisoner a copy of the charge-sheet, and should, if necessary, read and explain to him the charges brought against him.

(*c*) If he desires it, a list of the names, rank and corps (if any) of the president and officers who are to form the court should, in courts-martial other than summary courts-martial, be given to the prisoner.

(*d*) If it appears to the court that the prisoner is liable to be prejudiced by any non-compliance with this rule, the court should take steps and, if necessary, adjourn to avoid the prisoner being so prejudiced.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Rules of procedure, paragraph 15, Army Regulations, India, Volume II, paragraph 390.

Joint trial of prisoners.

21. Any number of prisoners may be tried together for an offence charged to have been committed by them collectively, but in such case notice of the intention to try the prisoners together should be given to each prisoner at the time of his being informed of the charge, and any prisoner may claim, either by notice to the authority convening the court, or, when arraigned before the court, by notice, to the court, to be tried separately, on the ground that the evidence of one or more of the other prisoners proposed to be tried together with him will be material to his defence; the convening authority or court, if satisfied that such evidence will be material, and if the nature of the charge admits of it, shall allow the claim, and such prisoner shall be tried separately.

Indian Article of War 170.

Civil offences how triable.

22. Any person subject to the Indian Articles of War[1] who at any place in British India within the jurisdiction of any court of criminal justice established by Her Majesty, or by the Government of India, or by the Local Government, is accused of any offence against the Indian Penal Code,[2] and not included in the Indian Articles of War, shall be delivered over to the nearest magistrate to be proceeded against according to law.

Indian Article of War 173.

When certain offences are triable by military law.

23. The commission, attempt to commit or abetment of the offences of murder, culpable homicide, and any offence punishable under any of the sections 323 to 335 (both inclusive) or section 506 of the Indian Penal Code, when committed either within or without British India, by a person subject to the Indian Articles of War, may be tried by court-martial at any place whether within or without British India, and on conviction may be punished by any punishment assigned for the offence by the Indian Penal Code.

Army Regulations, India, Volume II, paragraph 396, amended and added to.

Procedure to be observed when more than one prisoner is tried under Indian Articles of War.

24. When more prisoners than one are tried separately by the same court-martial, the proceedings of each trial are to be conducted and recorded separately, and every officer of the court and every witness before the court shall in a fresh trial by the same court make a fresh oath or affirmation, as hereinafter prescribed, notwithstanding any previous oath or affirmation.

Army Regulations, India, Volume II, paragraph 393.

Certificates of health, etc.

25. (*a*) A certificate showing the state of health of the prisoner on the day of trial is laid before the court and attached to the proceedings. The certificate is to be renewed in the event of any change

[1] General Acts, Vol. II.
[2] General Acts, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

taking place in the prisoner's health during the sitting of the court or in case of revision of the proceedings.

(*b*) An explanatory memorandum is to be attached to the proceedings when any of the following circumstances occur— Army Regulations, India, Volume II, paragraph 395.

(*a*) When there has been any great delay in bringing an offender to trial.

(*b*) When a district court-martial is composed of less than five officers.

(*c*) When a summary court-martial tries without reference an offence which should not ordinarily be tried without reference.

Interpreter.

26. An interpreter must be appointed to every court-martial (Indian Article of War 102). Indian Article of War 102.

If no duly qualified interpreter is available at the station or place where the court sits, the officer appointing the court, or the officer commanding the district or place where the trial is to be held, may appoint a competent person to interpret. When no such person is available the superintending officer, or in an European court-martial the president, shall perform the duty of an interpreter.

In the case of summary court-martial the officer holding the trial or one of the officers in attendance may interpret under the above circumstances.

Summary court-martial.

Summary courts-martial.

27. A summary court-martial shall be held as soon as practicable (having regard to rule 13) after the completion of the investigation of the charge which the court is to try.

Commanding officer composing the court.

28. At every summary court-martial the officer holding the trial (*i. e.*, the commanding officer) shall alone constitute the court, but the proceedings shall be attended throughout by two other officers, British or Native, who shall not, as such, be affirmed or sworn. Indian Article of War 93 (2).

Proceedings.

29. The proceedings shall be recorded in the English language, and when closed shall be signed by the officer holding the trial, and by the officers attending thereat, and by the interpreter. Indian Article of War 93 (3). Army Regulations, India, Volume II, paragraph 397.

Assembly.

30. When the officer holding the court, the interpreter, and the officers attending the court are assembled, the prisoner is brought before the court and the prescribed oaths or affirmations are taken.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Indian Article of War 108.

Oaths.

31. The officer holding the trial shall administer to the interpreter or, when necessary, shall himself, as interpreter, make the oath or affirmation laid down in Indian Article of War 108, as far as the words "published by authority."

After which the interpreter, if an European officer, shall administer to the officer holding the trial the oath given in Indian Article of War 109, as far as the words "custom of war in the like cases."

If the interpreter is not an European officer, the officer holding the trial shall take the oath himself without its being administered to him by any one.

After the oaths have been administered all witnesses should be directed to withdraw from the court.

Rule of procedure 31.

Arraignment of prisoner.

32. (*a*) After the officer holding the trial and other persons are sworn as above mentioned, the prisoner is arraigned on the charges against him.

(*b*) The charges on which the prisoner is arraigned will be read to him and he will be required to plead separately to each charge.

Rule of procedure 32.

Objection by prisoner to charge.

33. The prisoner, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the Indian Articles of War or is not in accordance with these rules, or he may plead condonation or previous conviction or punishment for the same offence.

Rule of procedure 34.

Special plea to the jurisdiction.

34. (*a*) The prisoner before pleading to a charge may offer a special plea to the jurisdiction of the court, and if he does so, and the court consider that anything stated in that plea shows that the court have not jurisdiction, any evidence offered in support shall be received, together with any evidence offered in disproof or qualification thereof, and any address by the prisoner in reference thereto.

(*b*) If the court overrule the special plea, the trial should be proceeded with.

(*c*) If the court allow the special plea, the decision and the reasons for it shall be recorded and the court dissolved.

Rule of procedure 35.

General plea of "Guilty" or "Not guilty."

35. (*a*) If no special plea to the general jurisdiction of the court is offered, or if such plea, being offered, is overruled, the prisoner's plea "Guilty" or

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

"Not guilty" (or if he refuses to plead, or does not plead intelligibly either one or the other, a plea of "Not guilty") shall be recorded on each charge.

(*b*) Before recording a plea of "Guilty" the court should ascertain that the prisoner understands the nature of the charge to which he has pleaded "Guilty."

36. In trials under the Indian Articles of War whether the prisoner pleads "Guilty" or "Not guilty" or whatever the plea may be, it is incumbent on the court to investigate the charge, so that all the circumstances connected therewith may come to light, and to record their finding as the result of sworn evidence. Rule of procedure 36, modified to suit Indian Articles of War. Army Regulations, India, Volume II, paragraph 39.

Pleas.

37. After the plea of "Guilty" or "Not guilty" to any charge is recorded, the evidence for the prosecution shall be taken. Rule of procedure 87.

Evidence for prosecution.

38. At the close of the evidence for the prosecution the prisoner will be asked if he intends to call any witnesses in his defence. Rule of procedure 40.

Statements of witnesses for defence.

If he states that he does, the procedure will be as follows:—

(*a*) The prisoner will be asked if he has anything to say in his defence, and may address the court in his defence, or may defer such address until he has called his witnesses.

(*b*) The prisoner may call his witnesses, including also witnesses to character. Rule of procedure 41.

39. If at any trial for desertion, absence without leave, overstaying leave, or not rejoining when warned for service the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence and refers in support thereof to any officer in the civil or military service of Government, or if it appears that any such officer is likely to prove or disprove the said statement in defence, the court shall address such officer and adjourn until his reply is received. Indian Article of War 115.

Reference to Government officer.

The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath or affirmation before the court.

40. The court may, if it thinks necessary in the interests of justice, call witnesses in reply to the defence. Rule of procedure 85 (*a*).

Reply witnesses.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Verdict.

41. After all the evidence both for prosecution and defence has been heard the officer holding the trial will give his opinion as to whether the prisoner is guilty or not guilty of the charges.

Rule of procedure 44(*a*).

Finding.

42. (*a*) The finding on every charge will be recorded and except as mentioned in these rules will be recorded simply as a finding of "Guilty" or "Not guilty" or of "Not guilty and honourably acquit him of the same."

(*b*) When the court is of opinion as regards any charge that the facts found to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are sufficient nevertheless to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the prisoner in his defence, they may, instead of a finding of "Not guilty," record a special finding.

(*c*) The special finding may find the prisoner guilty on a charge subject to the statement of exceptions or variations annexed to the finding.

(*d*) When the court is of opinion that the facts proved do not disclose an offence under the Indian Articles of War, the court will acquit the prisoner on that charge.

Army Regulations, India, Volume II, paragraph 401.

Evidence as to character.

43. (*a*) If at a summary court-martial the finding is guilty, the officer holding the trial may record any previous convictions against the offender, and his general character either as of his own knowledge, or as the result of evidence duly taken on oath and entered in the proceedings.

(*b*) Should the officer holding the trial not record the character etc., of the witness as of his own knowledge, evidence may be given of them by a witness verifying a statement which contains a summary of the entries in the regimental books respecting that prisoner, and by identifying the prisoner as the person referred to in that summary.

Rule of procedure 46 (*a*).

(*c*) The prisoner may cross-examine any such witness and may call witnesses to rebut such evidence; and if the prsioner so requests, the regimental books or a duly certified copy of the material entries therein shall be produced, and if the prisoner alleges that the summary is in any respect not in accordance with the regimenta books or with such certified copy, as the case may be, the court shal compare the summary with those books or copy, and if they find it is not in accordance therewith, shall cause the summary to be corrected accordingly.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

44. The court shall award one sentence in respect of all the offences of which the prisoner is found guilty. Rule of procedure 48.

Sentence.

45. If the court awards a sentence of imprisonment with hard labour of three months or under, and no additional sentence of dismissal accompanies it, an addition to the sentence should be made above the signature to the effect that the imprisonment is to be carried out in military custody. This is not to form a subsidiary order. Indian Article of War 151.

Imprisonment in military custody.

46. Sentences exceeding one month and of less than one year are to be recorded in months. Sentences which consist partly of months and partly of days are to be recorded in months and days. Army Regulations, India, Volume II, paragraph 404.

Sentences how recorded.

47. When a prisoner has been sentenced by a summary court-martial to—

Subsidiary order.

(*a*) imprisonment with hard labour exceeding three months;

(*b*) corporal punishment;

(*c*) dismissal from the service;

(*d*) loss of standing;

the commanding officer will enter a subsidiary order on the proceedings underneath the signatures to the sentence as follows:— G. O. 24, 1895.

(*a*) The prisoner is to be made over with the prescribed warrant of commitment to the officer in charge of the nearest jail for the purpose of undergoing the imprisonment, and his name is to be struck off the strength of the regiment from this date.

(*b*) The corporal punishment will be carried out at (*state place and date*) in the presence of the—and the medical officer and will be inflicted with the regulation cat on the bare back.

(*c*) The prisoner's name will be struck off the strength of his regiment (*battery, corps or detachment*) from this date.

(*d*) The name of the prisoner will be transposed in the list of his rank and will stand next below that of—(or will bear date the day of 18).

48. The sentence of summary court-martial held by an officer of not less than five years' service may be carried out at once, as no confirmation is necessary, Indian Article of War 96.

Carrying out of sentence.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

the commanding officer being at once the convening officer, the officer holding the trial and the confirming officer.

Indian Article of War 96.

Sentence by officer of less than five years' service.

49. If the officer holding a summary court-martial is of less than five years' service, he shall not, except on active service, carry into effect any sentence awarded by him until it has received the approval of a superior military officer commanding not less than a corps.

Promulgation.

50. The sentence of a summary court-martial will be promulgated in the manner usual in the service at the earliest convenient opportunity after it has been pronounced by the commanding officer and will be carried out without delay after promulgation.

Indian Article of War 97.

Disposal of proceedings.

51. The proceedings of a summary court-martial shall immediately on promulgation be forwarded to the deputy or assistant judge-advocate-general[1] * * *.

That officer after review of the proceedings will submit them to the general or other officer commanding the [2][division, district or brigade] with a recommendation for countersignature if they are legal and correct, or a report setting forth the illegalities and irregularities and recommending the setting aside of the proceedings if serious enough to have prejudiced the prisoner, or to have warranted such procedure.

Indian Article of War 97.

Setting aside proceedings.

52. (*a*) For reasons based on the merits of the case [2][the officer to whom the proceedings have been submitted under rule 51], the Commander-in-Chief in India, the General Officer of the Command and any other officer prescribed by the Indian Articles of War may set aside the proceeding of a summary court-martial, but they may not be set aside on any purely technical grounds.

G. O. 97 of 1883.

(*b*) The expression "merits of the case" only refers to the proceedings as far as and including the finding, and would include such points as an illegal charge, improper or manifestly insufficient evidence, prejudice to prisoner in his defence, refusal to admit as evidence the written reply of a civil or military officer called for by the prisoner under Article 115, and such like.

[1] The words "of the circle" were omitted by Notification No. 848-J., dated the 6th October, 1905, Gazette of India, 1905, Pt. I, p. 711.

[2] Substituted by Notification No. 848-J., dated the 6th October, 1905.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*c*) The sentence cannot be set aside on the merits of the case provided it is a legal one. It can be remitted, the prisoner pardoned or readmitted to the service after dismissal, and service or other advantage forfeited by him can be restored by certain authorities as detailed in Article 160.

Remarks by reviewing officer.

53. (*a*) [1] [The officer to whom the report of the deputy or assistant judge-advocate-general is submitted under rule 51], will enter his remarks on the final page of the forms of proceedings headed "Remarks by the reviewing officer," after which the proceedings will be returned to the prisoner's corps to be filed in the records.

(*b*) If the officer [1] [to whom the report of the deputy or assistant judge-advocate-general is submitted under rule 51], has occasion to set aside the proceedings, he will enter a memorandum to that effect on the above-mentioned final page of the form of proceedings, and the prisoner will be at once set at liberty and relieved from all the effects of the conviction.

General provisions as to witnesses and evidence at all courts-martial.

Evidence.

54. A court-martial shall not receive evidence which is not relevant to the facts stated in the statement of particulars in the charge or any evidence which is not admissible under the Indian Evidence Act, 1872, subject to such modifications thereof as may have been made in the Indian Articles of War or as may be directed by the Governor General in Council by notification. Army Regulations, India, Volume II, paragraph 39.

Judicial notice.

55. The court may take judicial notice of all matters of notoriety, including all matters within their general military knowledge, but not of any circumstances connected with the case under trial with which they may be acquainted. Rule of procedure 47.

Deficiency of necessaries.

56. Evidence of mere deficiency of necessaries, etc., on a certain date is generally insufficient to establish a charge of loss by neglect or making away with them. In all such cases it should be clearly proved, 1st, that on a certain date, anterior to that in the charge, the soldier had the deficient articles in his possession; 2nd, that on the date stated in the charge the articles were deficient, and have not since been recovered. Army Regulations, India, Volume II, paragraph 460.

[1] Substituted by Notification No. 848-J., dated the 6th October, 1905, Gazette of India, 1905, Pt. I, p. 711.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Indian Article of War 187.

Presumption as to signature.

57. In any proceeding under these Articles, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil or military service of the Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

Rules of procedure.

Calling of all prosecutor's witnesses.

58. The prosecutor is not bound to call the witnesses whose evidence is in the summary or abstract of evidence given to the prisoner, but he should ordinarily call such of them as the prisoner desires, in order that he may cross-examine them, and the prosecutor should, for this reason, so far as seems to the court practicable, secure the attendance of all such witnesses.

Rule of procedure 76, modified.

Calling of witness whose evidence is not contained in summary or abstract.

59. If in courts-martial where a summary or abstract of evidence is given to the prisoner the prosecutor intends to call a witness whose evidence is not contained in that summary or abstract, notice of the intention shall be given to the prisoner a reasonable time before the witness is called; and if such witness is called without such notice having been given, the court shall, if the prisoner so desire it, either adjourn after taking the evidence of the witness, or allow the cross-examination of such witness to be postponed, and the court shall inform the prisoner of his right to demand such adjournment or postponement.

Rule of procedure 77.

List of prisoner's witnesses.

60. The prisoner shall not be required to give to the prosecutor a list of the witnesses whom he intends to call, but it shall rest with the prisoner alone to secure the attendance of any witness whose evidence is not contained in the summary or abstract, and for whose attendance the prisoner has not requested steps to be taken as provided by rule 20.

Indian Article of War 922.

Summoning witnesses and production of documents.

61. (*a*) The judge-advocate in the case of a general court-martial and the officer ordering the trial in the case of any other court-martial, may, by summons under his hand, require the attendance before the court at a time and place to be mentioned in the summons, of any person either to give evidence or produce any document or other thing.

(*b*) In the case of a witness amenable to military authority, the summons shall be sent to the officer actually commanding the corps, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*c*) In the case of any other witness, the summons shall be sent to the magistrate within whose jurisdiction he may be or reside, and such magistrate shall give effect to the summons as if the witness were required in the court of such magistrate.

(*d*) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.

(*e*) Nothing in this rule shall be deemed to affect the Indian Evidence Act, 1872,[1] sections 123 and 124, or to apply to any letter, post card, telegram or other document in the custody of postal or telegraph authorities.

(*f*) If any document in such custody is, in the opinion of any district magistrate, chief presidency magistrate, high court or court of sessions, wanted for the purposes of any court-martial, such magistrate or court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such magistrate or court may direct.

(*g*) If any such document is in the opinion of any other magistrate or of any commissioner of police, or district superintendent of police, wanted for any such purpose, he may require the postal or telegraph department, as the case may be, to cause search to be made for and to detail such document pending the orders of any such district magistrate, chief presidency magistrate, or court.

Rule of procedure 79.

Adjournment of court for non-attendance of witness.

62. If such proper steps as mentioned in the preceding rule have not been taken as to any witness, or if any witness whose attendance could not be reasonably procured before the assembly of the court is essential to the prosecution or defence, the court shall adjourn and report the circumstances to the convening officer.

Indian Article of War 123.

Contempts of court.

63. (*a*) Any witness duly summned, and any person who commits any contempt of court in the presence of a court-martial, or any offence described in article 56, 67, or 68, shall, if subject to these Articles, be proceeded against as the court may direct.

(*b*) If any such witness or person is not so subject, the president of the court-martial may certify the offence under his hand to the court of any magistrate within the local limits of whose jurisdiction it was committed, and the magistrate may thereupon take cognisance of the case, and, after hearing anything which the accused may desire

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

to say, dispose of it as if the offence had been committed in a proceeding in the court of such magistrate.

Indian Article of War 124.

Privileges of persons attending court-martial.

64. (*a*) No president or member of a court-martial, no judge advocate or superintending officer, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial shall, while proceeding to, attending on or returning from, a court-martial, be liable to arrest under civil or revenue process.

(*b*) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

Rule of procedure 80.

Withdrawal of witnesses from court.

65. During the trial a witness, other than the prosecutor, ought not, except by special leave of the court, to be in court while not under examination, and if while he is under examination a discussion arises as to the allowance of a question, or the sufficiency of his answers, or otherwise as to his evidence, he may be directed to withdraw.

Indian Article of War 111.

Oaths of witness.

66. Every person giving evidence at a court-martial shall be examined on oath, or on affirmation where affirmation is appropriate and admissible, and shall be duly sworn or affirmed in such of the following forms as may be appropriate.

For Europeans and persons professing the Christian religion.

"I..... .....do swear that what I shall state shall be the truth, the whole truth, and nothing but the truth. So help me God."

or

.....solemnly affirm,[1] in the presence of Almighty God, that what I shall state shall be the truth, the whole truth and nothing but the truth."

For Mussalman, Hindu or other Native witness.

"I.....solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

If none of the forms of oath or affirmation prescribed in Articles 108 to 111, both inclusive, are appropriate to any officer of a court-martial or any witness, such officer or witness shall make oath or

Oaths to be binding on conscience.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

affirmation to the purport hereinbefore prescribed, in such form as the court ascertains to be according to his religion or otherwise binding on his conscience.

Mode of questioning witness.

67. (*a*) Every question may be put to a witness orally by the officer holding the trial, the prosecutor, prisoner, or judge advocate, without the intervention of the court, and the witness will forthwith reply unless an objection is made by the court, judge advocate, prosecutor or prisoner, in which case he will not reply until the objection is disposed of. The witness will address his reply to the court. Rule of procedure 81.

(*b*) The evidence of a witness, as taken down, should be read to him after he has given all his evidence and before he leaves the court, and such evidence may be explained or corrected by the witness at his instance. If he makes any explanation or correction, the prosecutor and prisoner may, respectively, examine him respecting the same.

Examination and cross-examination.

68 (*a*) A witness may be examined by the person calling him, and may be cross-examined by the opposite party to the proceeding, and on the conclusion of the cross-examination may be re-examined by the person calling him on matters raised by the cross-examination. Rule of procedure.

(*b*) The court may, if they think fit, allow the cross-examination of a witness to be postponed.

Questions to witness by members of court or judge advocate.

69. (*a*) At any time before the time for the second address of the prisoner (or at a summary court-martial at any time before the finding of the court) the officer commanding, the judge advocate, also any member of the court, may with the permission of the court, address through the president any question to a witness. Rule of procedure 84 (*a*).

(*b*) Upon any such question being answered, the commanding officer, the superintending officer or the president shall also put to the witness any question relative to that answer which he may be requested to put by the prosecutor or the prisoner, and which the court deem reasonable.

Re-calling of witnesses and calling of witness in reply.

70. (*a*) At the request of the prosecutor or prisoner a witness may, by leave of the court, be re-called at any time before the time for the second address of the prisoner for the purpose of having any question put to him through the officer commanding, superintending officer or the president. Rule of procedure 25.

(*b*) A witness may, in special cases, be allowed by the court to be called or re-called by the prosecutor before the time for the second

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martia (Native Army)—*contd.*

address of the prisoner, for the purpose of rebutting any material statement made by a witness for the defence upon his examination by the prisoner on any new matter which the prosecutor could not reasonably have foreseen.

(*c*) Where the prisoner has called witnesses as to character, the prosecutor, before the time for the second address of the prisoner, may call or re-call witnesses for the purpose of proving a previous conviction or entries in the defaulter's book against the prisoner.

(*d*) The court may call or re-call any witness at any time before the finding, if they consider that it is necessary for the ends of justice.

Convening General, District and Regimental Courts-martial.

Rule of procedure 17.

Convening of court-martial.

71. (*a*) An officer before convening a court-martial should first satisfy himself that the charges to be tried by the court are offences within the meaning of the Indian Articles of War, and that the evidence justifies a trial on those charges; and if not so satisfied, should order the release of the prisoner or refer the case to superior authority. V of 1869.

(*b*) He should also satisfy himself that the case is a proper one to be tried by the description of court-martial he proposes to convene.

(*c*) The officer convening a court-martial shall appoint or detail the officers to form the court, and may also appoint or detail such waiting officers as he thinks expedient.

(*d*) The officer convening a court-martial shall send to the judge advocate or superintending officer the original charge-sheet on which the prisoner is to be tried, and the summary or abstract of evidence.

Army Regulations, India, Volume II, paragraph 382.

Trials of natives by British officers.

72. (*a*) Whenever a native officer or soldier or other native amenable to the Indian Articles of War is ordered to be tried by any court-martial other than a summary court-martial, the third clause of the 86th Indian Article of War is to be read and explained to him before the assembly of the court; and if the prisoner then claims the right given him by the article, the court will be composed of British officers, and the proceedings will be conducted and recorded in all other respects in accordance with these articles. V of 1869.

(*b*) In the case of any court-martial composed of European commissioned officers, the president shall conduct the proceedings.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*c*) A British officer of not less than four years' service called the superintending officer, shall be appointed to superintend the proceedings of every court-martial composed of native officers which is not attended by a judge advocate.

(*d*) At every court-martial the senior officer shall sit as president without special appointment as such.

(*e*) In the case of the death or unavoidable absence of the president, the next senior officer shall take the place of the president without special appointment as such, and the trial shall proceed if the court is still composed of not less than the smallest number of officers of which it is required by law to consist.

Adjournment for insufficient number of officers.

73. (*a*) If before the prisoner is arraigned, the full number of officers detailed are not available to serve, by reason of non-eligibility, disqualification, challenge, or otherwise, the court should ordinarily adjourn for the purpose of fresh members being appointed: but if the court are of opinion that in the interests of justice, and for the good of the service, it is inexpedient so to adjourn, they may, if not reduced in number below the legal minimum, proceed, recording their reasons for so doing. Rule of procedure and Army Regulations, India, Volume II, paragraph 378.

(*b*) If the court adjourns for the purpose of the appointment of fresh members, whether under these rules or otherwise, the convening officer may, if he thinks fit, convene another court.

Ineligibility and disqualification of officers for court-martial.

74. (*a*) An officer is not eligible for serving on a court-martial if he is not subject to military law. Rule of procedure 19.

(*b*) An officer is disqualified for serving on a general, district or regimental court-martial on a prisoner if such officer—

(*i*) is the officer who convened the court; or

(*ii*) is the prosecutor or a witness for the prosecution; or

(*iii*) investigated the charges before trial, or was a member of a court of inquiry respecting the matters on which the charges against the prisoner are founded; or

(*iv*) is the commanding officer of the prisoner, or of the corps or battalion to which the prisoner belongs; or

(*v*) has a personal interest in the case.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Rule of procedure 20.

Composition of court-martial.

75. (*a*) A general court-martial shall be composed, as far as possible, of officers of different corps and in no case exclusively of officers of the same regiment or corps to which the accused belongs.

(*b*) A district court-martial may, when necessary, be composed wholly of officers of the corps or department to which the prisoner belongs.

Rule of procedure 22.

Inquiry by court as to legal constitution.

76. (*a*) On the court assembling, the order convening the court shall be read, and also the names, rank, and corps of the officers appointed to serve on the court; and it shall be the first duty of the court to satisfy themselves that the court is legally constituted; (that is to say)—

(*i*) that, so far as the court can ascertain, the court has been convened in accordance with the Indian Articles of War and these Rules; V of 1869.

(*ii*) that the court consists of a number of officers not less than the legal minimum, and save as mentioned in Rule 73, not less than the number detailed;

(*iii*) that none of the officers so assembled are disqualified for serving on that court-martial;

(*iv*) that an interpreter has been appointed, and a superintending officer when necessary.

(*b*) The court should further, if it is a general or district court-martial to which a judge advocate has been appointed, ascertain that the judge advocate is duly appointed, and is not disqualified for acting at that court-martial.

(*c*) The court, if not satisfied on the above matters, should report their opinion to the convening authority; and may adjourn for that purpose.

Rule of procedure 23.

77. (*a*) The court, when satisfied on the above matters, should satisfy themselves in respect to each charge about to be brought before them:—

(*i*) that it appears to be laid against a person amenable to military law, and to the jurisdiction of the court; and

(*ii*) that each charge discloses an offence under the Indian Articles of War, and is framed in accordance with these V of 1869.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

rules, and is so explicit as to enable the prisoner readily to understand what he has to answer.

(*b*) The court, if not satisfied on the above matters, should report their opinion to the convening authority and may adjourn for that purpose.

Procedure at Trial.—Challenge and swearing.

78. When the court have satisfied themselves as to the above facts, the prosecutor, who must be a person subject to military law, should take his place, and the court shall cause the prisoner to be brought before the court. Rule of procedure 24.

Appearance of prosecutor and prisoner.

79. (*a*) At all trials by ordinary court-martial the court, upon the prisoner being brought before them, shall ascertain that the court is constituted of officers to whom the prisoner makes no reasonable objection, by reading over the names of the members to the prisoner. Rule of procedure 25.

Proceedings for challenge of members of court.

(*b*) The prisoner has no right to object to the prosecutor, judge advocate or superintending officer.

(*c*) The prisoner shall state the names of all the officers to whom he objects before any objection is disposed of.

(*d*) The prisoner may call any person to give evidence in support of his objection.

(*e*) If more than one officer is objected to, the objection to each officer will be disposed of separately, and the objection to the lowest in rank will be disposed of first ; and on an objection to an officer, all the other officers present shall vote on the disposal of such objection, notwithstanding that objections have been made to any of those officers.

(*f*) When an objection to an officer is allowed, that officer shall forthwith retire and take no further part in the proceedings.

(*g*) When an officer objected to retires, and there are any officers in waiting, the vacancy shall be forthwith filled by one of the officers in waiting being directed to serve in lieu of the retiring officer. If there is no officer in waiting available, the court will proceed as directed by rule 76 (*a*) (ii).

(*h*) The eligibility, absence of disqualification, and freedom from objection of an officer filling a vacancy, will be ascertained by the court, as in the case of other officers appointed to serve on the court

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Rule of procedure 26.

Swearing in of member.

80. (*a*) As soon as the court is constituted with the proper number of officers who are not objected to, or the objections to whom have been overruled, the officer conducting the proceedings shall administer to the interpreter or, when necessary, shall himself make as interpreter the affirmation or oath laid down in Indian Article of War 108.

(*b*) The interpreter, or the officer conducting the proceedings, shall then administer to the president and each of the members of the court-martial an affirmation or oath in the forms laid down in Indian Article of War 108. V of 1869.

(*c*) The interpreter, or any other European officer of the court, shall then administer to the judge advocate or superintending officer the affirmation or oath in the forms laid down in Indian Article of War 109.

Rule of procedure 27.

Arraignment.

81. (*a*) After the members of the court and other persons are sworn as above-mentioned, the prisoner shall be arraigned on the charges against him.

(*b*) The charges upon which the prisoner is arraigned are read to him, and he will be required to plead separately to each charge.

Rule of procedure 34.

Special plea to the jurisdiction.

82. (*a*) The prisoner, before pleading to a charge, may offer a special plea to the general jurisdiction of the court; and if he does so, and the court consider that anything stated in such plea shows that the court have not jurisdiction, they shall receive any evidence offered in support, together with any evidence offered by the prosecutor in disproof or qualification thereof, and any address by the prisoner and reply by the prosecutor in reference thereto.

(*b*) If the court overrule the special plea, they should proceed with the trial.

(*c*) If the court allow the special plea, they shall record their decision and the reasons for it, and report it to the convening authority and adjourn; such decision shall not require any confirmation, and the convening authority shall either forthwith convene another court for the trial of the prisoner, or order the prisoner to be released.

(*d*) If the court are in doubt as to the validity of the plea, they may refer the matter to the convening authority, and may adjourn for that purpose, or may record a special decision with respect to such plea, and proceed with the trial.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Pleas.

83. If no special plea to the general jurisdiction of the court is offered, or if such plea, being offered, is overruled, the prisoner's plea of "Guilty" or "Not guilty" (or if he refuses to plead or does not plead intelligibly either one or the other, a plea of "Not guilty") shall be recorded on each charge. Rule of procedure 35.

Plea in bar.

84. (*a*) The prisoner at the time of his general plea of "Guilty" or "Not guilty" to a charge for an offence may offer a plea in bar of trial on the ground of having previously been convicted or acquitted by a competent civil court or a court-martial of the offence, or of having been dealt with summarily by his commanding officer for the offence, or of the offence having been pardoned or condoned by competent military authority, or of the offence having been committed more than three years ago. Rule of procedure 36.

(*b*) If he offers such plea in bar the court shall record it as well as his general plea, and if they consider that any fact or facts, stated by him, are sufficient to support the plea in bar, they shall receive any evidence offered and hear any address made by the prisoner and the prosecutor in reference to the plea.

(*c*) If the court find that the plea in bar is proved, they shall record their finding and notify it to the convening authority and shall either adjourn, or if there is any other charge against the prisoner whether in the same or in a different charge-sheet, which is not affected by the plea in bar, may proceed to the trial of the prisoner on that charge.

(*d*) If the finding that a plea in bar is proved is not confirmed, the court may be re-assembled by the confirming authority and proceed as if the plea had been found not proved.

(*e*) If the court find that the plea in bar is not proved, they shall proceed with the trial and the said finding shall be subject to confirmation like any other finding of the court.

V of 1869.

Investigation of case.

85. In trials under the Indian Articles of War, whether the prisoner pleads "Guilty" or "Not guilty," or whatever the plea may be, it is incumbent on the court to investigate the charge, and to record the evidence, so that all the circumstances thereof may be known to the confirming authority. Paragraph 308, Army Regulations, India, Volume II.

Plea "Not guilty" and case for the prosecution.

86. After the plea of "Not guilty" to any charge is recorded, the trial will proceed as follows:— Rule of procedure 39.

(*a*) The prosecutor may, if he desires, make an opening address.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*b*) The evidence for the prosecution shall then be taken.

(*c*) If it should be necessary for the prosecutor to give evidence for the prosecution, he should give it after the delivery of his address, and he must be sworn, and give his evidence in detail.

(*d*) He may be cross-examined by the prisoner, and afterwards may make any statement which might be made by a witness on re-examination.

Rule of procedure 40.

Close of case for the prosecution and procedure for defence where prisoner does not call witnesses.

87. (*1*) At the close of evidence for the prosecution the prisoner will be asked if he intends to call any witnesses other than witnesses as to character.

(*2*) If the prisoner does not state that he intends to call any witnesses other than witnesses as to character, the procedure will be as follows :—

(*a*) The prosecutor may address the court a second time for the purpose of summing-up the evidence for the prosecution.

(*b*) The prisoner will be asked if he has anything to say in his defence and may address the court in his defence.

(*c*) The prisoner may call witnesses as to his character.

(*d*) The prosecutor may produce in reply to the witnesses as to character, proof of former convictions and entries in the defaulters' book but he may not again address the court.

Rule of procedure 41.

Defence where prisoner calls witnesses.

88. If the prisoner states that he intends to call witnesses other than witnesses as to character, the procedure will be as follows :—

(*a*) The prisoner will be asked if he has anything to say in his defence, and may address the court in his defence.

(*b*) The prisoner may call his witnesses, including witnesses as to character.

(*c*) The prosecutor may, in special cases with the permission of the court, call witnesses in reply.

(*d*) After the evidence of all the witnesses for the defence has been taken, the prisoner may again address the court, and the time at which such second address is allowed is in these rules referred to as the time for the second address of the prisoner.

(*e*) The prosecutor will be entitled to address the court in reply.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

89. (*a*) The judge advocate, if any, will, unless both he and the court think a summing-up unnecessary, sum up in open court the whole case. Rule of procedure 42.

Summing-up by judge advocate.

(*b*) After the judge advocate has spoken, no other address shall be allowed.

Finding and Sentence.

90. (*a*) The court will deliberate on their finding in closed court. Rule of procedure 43.

Consideration of finding.

(*b*) The opinion of each member of the court will be taken separately on each charge.

91. (*a*) The finding on every charge will be recorded, and except as mentioned in these rules, will be recorded simply as a finding of "Guilty" or of "Not guilty," and honourably acquit him of the same. Rule of procedure 44.

Form and record of finding.

(*b*) Where the court are of opinion as regards any charge that the facts which they find to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the defence is not so material as to have prejudiced the prisoner in his defence, they may, instead of a finding of "Not guilty," record a special finding.

(*c*) The special finding may find the prisoner guilty on a charge, subject to the statement of exceptions or variations annexed to the finding.

(*d*) Where the court are of opinion as regards any charge that the facts proved do not disclose an offence under the Indian Articles of War, the court will acquit the prisoner of that charge.

(*e*) If the court doubt as regards any charge whether the facts proved show the prisoner to be guilty or not of an offence under the Indian Articles of War, they may, before recording a finding on that charge, refer to the confirming authority for an opinion, and, if necessary, adjourn for that purpose.

V of 1869.

92. (*a*) If the finding on any charge is "Guilty," then, for the guidance of the court in determining their sentence and of the confirming authority in considering the sentence, the court, before deliberating on their sentence, should take evidence of and record the prisoner's age, service, and rank, and the length of time he has been in arrest or in confinement on any previous sentence, and any military decoration, or military reward of which he may be in possession or to which he is entitled and which the court can sentence him to forfeit, Rule of procedure 46.

Procedure on conviction.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

and as to the general character of the prisoner and any previous convictions against him either by court-martial or by a civil court.

(*b*) Evidence on the above matters may be given by a witness verifying a statement which contains a summary of the entries in the regimental books respecting the prisoner and identifying the prisoner as the person referred to in that summary.

(*c*) Evidence on the above matter shoud not be given by a member of the court, but may be, and generally is, given by the prosecutor.

(*d*) The prisoner may cross-examine any such witness, and may call witnesses to rebut such evidence; and if the prisoner so requests the regimental books, or duly certified copy of the material entries therein, shall be produced; and if the prisoner alleges that the summary is in any respect not in accordance with regimental books, or such certified copy, as the case may be, the court shall compare the summary with those books or copy, and if they find it is not in accordance therewith, shall cause the summary to be corrected accordingly.

Rule of procedure 48.

Sentences.

93. The court shall award one sentence in respect of all the offences of which the prisoner is found guilty, and such sentence shall be deemed to be awarded in respect of the offence in each charge in respect of which it can be legally given, and not to be awarded in respect of any offence in a charge in respect of which it cannot be legally given.

Army Regulations, India, Volume II, paragraph 404.

Sentence how recorded.

94. Sentences, unless for one year or two years exactly, should, if for one month or upwards, be recorded in months. Sentences consisting partly of months and partly of days are to be recorded in months and days.

(*Confirmation and Revision..*)

Rule of procedure 49.

Recommendation to mercy.

95. (*a*) If the court make recommendation to mercy, they shall give their reasons for such recommendation.

(*b*) The number of votes by which a recommendation to mercy mentioned in this rule, or any question relative thereto is adopted, or rejected, may be entered in the proceedings.

Rule of procedure 50.

Signing and transmission of proceedings.

96. Upon the court awarding the sentence, the president shall date and sign the sentence, and such signature shall authenticate the whole of the proceedings, and the proceedings upon being signed by the judge advocate, if any, shall be at once transmitted for confirmation.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

V of 1859.

97. The forfeitures mentioned in Indian Article of War 137 (*b*)[1] are awardable only to make good proved loss or damage. When no loss or damage has resulted from the prisoner's misconduct, such forfeitures are not awardable, and, if awarded, should not be confirmed.

Forfeitures.

98. The finding or sentence of any court-martial may be once revised by order of the officer authorized to dispose of the proceedings, and, on such revision, the court, if so directed by him, may take additional evidence.

Indian Article of War 120.

Revision of finding or sentence.

99. (*a*) When the finding or sentence is sent back for revison, the court should re-assemble in closed court, but if so directed by the officer authorised to dispose of the proceedings, may take fresh evidence on revision, and such evidence must be taken in open court and in the presence of the prisoner.

Rule of procedure 52.

Revision.

The court should on revision consist of the same officers who were present when the original decision was passed, except in the case of the unavoidable absence of any of the officers, in which case the remainder can go on with the revision, provided the court still consists of the smallest legal number of officers.

(*b*) When the sentence alone is sent back for revision, the court shall not revise the finding.

(*c*) When the finding is sent back for revision and the court do not adhere to their former finding, they shall revoke the finding and sentence, and record a new finding, and if such new finding involves a new sentence, pass sentence afresh.

(*d*) After revision the president shall date and sign the decision of the court, and the proceedings upon being signed by the judge advocate, if any, shall be at once transmitted for confirmation.

100. (*a*) Where a sentence has been awarded by court-martial in respect of offences in several charges and the confirming authority confirms the finding on some but not on all of such charges, that authority shall take into consideration the fact of such non-confirmation, and shall, if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges the findings on which are confirmed.

Rule of procedure 54.

Mitigation of sentence on partial confirmation.

(*b*) Where a sentence has been awarded by a court-martial in respect of offences in several charges and has been confirmed, and any one of such charges or the finding thereon is found to be invalid,

[1] The letter (*b*) was inserted by Notification No. 867-J., dated the 9th September, 1904, *see* Gazette of India, 1904, Pt. I, p. 658.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

the authority having power to remit or commute the punishment, awarded by such sentence shall take into consideration the fact of such invalidity, and if it seems just, mitigate, remit, or commute the punishment awarded according as seems just, having regard to the offences in the charges which with the findings thereon are not invalid, and such punishment shall be as valid as if it had been originally awarded only in respect of those offences.

Rule of procedure 55.

Confirmation notwithstanding informality in, or excess of, punishment.

101. (*a*) If the sentence of a court-martial is informally expressed, the confirming authority may, in confirming the sentence, vary the form, so that it shall be properly expressed; and if the punishment awarded by the sentence is in excess of the punishment authorised by law, the confirming authority may vary the sentence, so that the punishment shall not be in excess of the punishment authorised by law, and the confirming authority may confirm the finding and the sentence as so varied of such court-martial.

(*b*) Whenever it appears that a court-martial had jurisdiction to try a prisoner, and that the prisoner was charged with some offence or offences under the Indian Articles of War and was shown by legal evidence to have been guilty of the offence or one of the offences charged, the finding in respect of the offence or offences of which he is so shown to be guilty, and the sentence may be confirmed, and if so confirmed shall be valid, notwithstanding any deviation from these rules or any defect or objection, technical or other, unless it appears that any injustice has been done to the prisoner; but nothing in this rule shall relieve an officer from any responsibility for any wilful or negligent disregard of any of these rules. V of 1869.

Subsidiary orders.

102. For forms of subsidiary orders in the case of award of imprisonment, corporal punishment, or dismissal from the service, *see* rule 47.

In the case of courts-martial other than summary courts-martial the subsidiary order will be added over the signature of the staff officer or the officer who has power to dispose of the proceedings.

Army Regulations, India, Volume II, paragraph 403.

Register rolls of native officers and warrant officers, subordinate medical department.

103. On the trial of a native commissioned officer, an extract from the regimental records detailing his age, length of service, and general character is to be transmitted to the *[1] * judge advocate [1] [or to the president of the court-martial] for the purpose of being attached to the proceedings, but it

[1] The words "deputy or officiating" were repealed and the words in brackets added respectively by Notification No. 848-J., dated the 6th October, 1905, *see* Gazette of India, 1905, Pt. I, p. 711.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

is not to be read to the court for the purpose of influencing its sentence, the object being solely to enable the confirming authority to judge of the prisoner's previous character. The provisions of this paragraph are also applicable to warrant officers of the sub-ordinate medical department who are subject to the Indian Articles of War.

V of 1869.

Insanity.

Provision as to finding of insanity, and custody of insane person.

104. (*a*) Where the court find either that the prisoner is unfit, by reason of insanity, to take his trial, or that he committed the offence with which he is charged, but was insane at the time of the commission thereof, the court shall, in the former case, find that the prisoner is unfit, owing to unsoundness of mind, to take his trial and, in the latter, shall find the prisoner not guilty, but add that he committed the act for which he is being tried, the president shall date and sign the finding, and the proceedings, upon being signed by the judge advocate, if any, shall be at once transmitted for confirmation. Rule of procedure 57.

(*b*) If such finding is not confirmed, the prisoner may be tried by the same or another court-martial for the offence with which he was originally charged.

(*c*) Where such finding is confirmed, then until the directions of the Government as to the disposal of such prisoner are known, or in the case of a prisoner unfit to take his trial until any earlier time at which such prisoner is fit to take his trial, the prisoner shall be confined in such manner as may, in the opinion of the proper military authority, be best calculated to keep him securely without unnecessary harshness, as he is not to be considered as a criminal, but as a person labouring under a disease.

General provisions as to Proceedings of Court.

Seating of members.

105. The members of a court-martial will take their seats according to their army rank, except that in case of a regimental court-martial consisting entirely of officers of the same corps, they will take their seats according to their rank in that corps. Rule of procedure 58.

Conduct of proceedings.

106. (*a*) In the case of any court-martial composed of European commissioned officers, the president shall conduct the proceedings, but the judge advocate (if any) shall make the record. Indian Article of War 14.

(*b*) In the case of court-martial composed of native officers the judge advocate, if there is one, shall conduct the proceedings. If there is no judge advocate, the superintending officer shall conduct them.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Responsibility for conduct of proceedings.

107. (*a*) The president, when he is conducting the proceedings, otherwise the judge advocate or superintending officer, is responsible for the trial being conducted in proper order and in accordance with the Indian Articles of War; and will take care that everything is conducted in a manner befitting a court of justice. V of 1869.

Rule of procedure 59.

(*b*) It is the duty of the president, judge advocate or superintending officer to see that justice is administered, that the prisoner has a fair trial, and that he does not suffer any disadvantage in consequence of his position as a prisoner, or of his ignorance, or of his incapacity to examine or cross-examine witnesses, or otherwise.

Army Regulations, India, Volume II, paragraph 302.

Minutes of Proceedings.

108. Presidents or superintending officers are responsible that the proceedings of courts-martial not attended by judge advocates are fairly and accurately recorded in a clear and legible hand without abbreviations and erasures; and when they cannot write legibly themselves, they should employ a member to write for them. If interlineations—which should be avoided as much as possible—are necessary, they are to be initialled by the judge advocate, president, or superintending officer. The pages are to be numbered, and the sheets are to be fastened together. Care is to be taken that sufficient space (at least half a page) is left immediately below the signature of the president for the signature and remarks of the confirming authority.

Rule of procedure 60.

Power of court over address of prosecutor and prisoner.

109. (*a*) It is the duty of the prosecutor to assist the court in the administration of justice, to behave impartially, to bring the whole of the transaction before the court, and not to take any unfair advantage of, or suppress any evidence in favour of, the prisoner.

(*b*) The court may stop the prosecutor in referring to any matter not relevant to the charge then before the court, or any matter which the court is not investigating, and it is the duty of the court to restrain any undue violence of language or want of fairness or moderation on the part of the prosecutor.

(*c*) The court should allow great latitude to the prisoner in making his defence; he must abstain from any remarks contemptuous or disrespectful towards the court, and from coarse and insulting language towards others, but he may for the purpose of his defence impeach the evidence and the motives of the witnesses and prosecutor, and charge other persons with blame and even criminality, subject, if he does so,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

to any liability to further proceedings to which he would otherwise be subject. The court may caution the prisoner as to the irrelevance of his defence, but should not, unless in special cases, stop his defence solely on the ground of such irrelevance.

Rule of procedure 61.

Procedure on trial of prisoners together.

110. Where two or more prisoners are tried together and any evidence is tendered by any one or more of them, the evidence and addresses on the part of all the prisoners will be taken before the prosecutor replies, and the prosecutor will make one address only in reply as regards all the prisoners.

Rule of procedure 62.

Separate charge-sheets.

111. (*a*) Where the convening officer directs any charges against a prisoner to be inserted in different charge-sheets, the prisoner shall be arraigned, and, until after the finding tried upon each charge-sheet separately, and accordingly the procedure in rules 81 to 89, both inclusive, shall, until after the finding, be followed in respect of each charge-sheet, as if it contained the whole of the charges against the prisoner.

(*b*) The trials upon the several charge-sheets shall be in such order as the convening officer directs.

(*c*) When the court have tried the prisoner upon all the charge-sheets, they shall in the case of the finding being "Not guilty" on all the charges proceed as directed by Rule 91, and, in case of the finding on any or more of the charges being "Guilty," proceed as directed by Rule 92 both inclusive in like manner in each case as if all the charges in the different charge-sheets had been contained in one charge-sheet, and the sentence passed shall be of the same effect as if all the charges had been contained in one charge-sheet.

(*d*) If the convening officer directs that, in the event of conviction of a prisoner upon a charge in any charge-sheet, he need not be tried upon the subsequent charge-sheets, the court in such event may, without trying the prisoner upon any of the subsequent charge-sheets, proceed as before directed by (*c*).

(*e*) Where a charge-sheet contains more than one charge, the prisoner may, before pleading, claim to be tried separately in respect of any charge or charges in that charge-sheet, on the ground that he will be embarrassed in his defence if he is not so tried separately; and in such case the court, unless they think his claim unreasonable, shall arraign and try the prisoner in like manner as if the convening officer had inserted the said charge or charges in different charge-sheets.

Rule of procedure 63.

Sitting in closed court.

112. (*a*) When a court-martial sits in closed court on any deliberation amongst the members or otherwise, no person shall be present except the members

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

of the court, the judge-advocate, interpreter and any officers under instruction; and the court may either retire or may cause the place where they sit to be cleared of all other persons not entitled to be present.

(*b*) Except as above mentioned all the proceedings, including the view of any place, shall be in open court and in the presence of the prisoner.

Indian Article of War 106

Time of trial, adjournment and re-assembly.

113. Trials by courts-martial may be carried on at any time without restriction.

The date and hour of the court's original assembly shall be fixed by, or under the orders of, the convening officer; but the adjournment and re-assembly of a court-martial shall be determined by the court itself.

Rule of procedure 65.

Continuity of trial and adjournment of court.

114. (*a*) When a court is once assembled and the prisoner has been arraigned, the court should continue the trial from day to day and sit for a reasonable period on every day unless it appears to the court that an adjournment is necessary for the ends of justice, or that such continuance is impracticable.

(*b*) A court-martial in the absence either of a judge-advocate or superintending officer (if such has been appointed for that court-martial), shall not proceed, and, if necessary, shall adjourn.

(*c*) The senior officer on the spot may also, for military exigencies, adjourn or prolong the adjournment of the court.

(*d*) Any adjournment may be made from place to place as well as from time to time. If the time to which the adjournment is made is not specified, the adjournment will be until such time as the court may subsequently fix; if the place to which such adjournment is made is not specified, the adjournment will be to the same place or to such place as may be fixed on further orders issued by the court.

Indian Article of War 103.

Dissolution of courts.

115. (*a*) When a court-martial after the commencement of the trial is reduced below the smallest number of officers of which it is by the Indian Articles of War required to consist, it shall be deemed to be dissolved. V of 1869.

(*b*) If on account of the illness of the prisoner before the finding it is impossible to continue the trial within a reasonable time, a court-martial shall be dissolved.

(*c*) Where a court-martial is dissolved under this article, the prisoner may be tried again.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869).—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Rule of procedure 67.

Proceedings on death or illness of prisoner.

116. In case of the death of the prisoner, or of such illness of the prisoner as renders it impossible to continue the trial, the court will ascertain the fact of the death or illness by evidence and record the same and adjourn and transmit the proceedings to the convening authority.

Rule of procedure 68.

Presence throughout of all members of court.

117. (*a*) A member of a court who has been absent while any part of the evidence on the trial of a prisoner is taken can take no further part in the trial by that court of that prisoner, but the court will not be affected unless it is reduced below the legal minimum.

(*b*) An officer cannot be added to a court-martial after the prisoner has been arraigned.

Rule of procedure 69.

Taking of opinions of members of court.

118. (*a*) Every member of a court must give his opinion on every question which the court has to decide, and must give his opinion as to the sentence, notwithstanding that he has voted for an acquittal.

V of 1869.

(*b*) Subject to the provisions of the Indian Articles of War every question shall be determined by an absolute majority of the opinions of the members of the court, and in the case of an equality of opinions the president's second or casting vote will be reckoned as determining the majority, except in a vote on the finding or sentence when on an equality of votes, the decision shall be in favour of the prisoner.

(*c*) The opinions of the members of the court should be taken in succession, beginning with the junior in rank.

(*d*) No sentence of death shall be passed by any court-martial without the concurrence of two-thirds at least of the members of the court.

Rule of procedure 70.

Procedure on incidental question.

119. If any question should arise incidentally during trial the person, whether prosecutor or prisoner, requesting the opinion of the court is to speak first; the other person is then to answer and the first person is to be allowed to reply.

Indian Article of War 113 and Rule of procedure 71.

Re-swearing in cases of several trials.

120. When more trials than one are held by the same court-martial, every officer of the court and every witness before the court shall make a fresh oath or affirmation as hereinbefore prescribed, notwithstanding any previous oath or affirmation.

(*Friend of prisoner and counsel.*)

Rule of procedure 60.

Prisoner may have a person to assist him on trial.

121. (*a*) In any general or district court-martial a prisoner may have a person to assist him during the trial whether a legal adviser or any other person.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*b*) A person so assisting him may advise him on all points, and suggest the questions to be put to witnesses, and if an officer, subject to military law, shall have the same rights and duties as counsel have under these rules, and the right of the prisoner shall be limited in like manner.

Rule of procedure.

122. (*a*) Subject to these rules, counsels shall be allowed to appear on behalf of the prosecutor and prisoner at general and district courts-martial—

Counsel allowed in certain general and district courts-martial.

If the commander-in-chief, or the convening officer declares that it is expedient to allow the appearance of counsel thereat and such declaration may be made as regards all general and district court-martial or as regards any particular general court-martial, and may be made subject to such reservation as to cases on active service, or otherwise, as seems expedient.

(*b*) Save as provided in Rule 121, the rules with respect to counsel will apply only to the courts-martial at which counsel are under this rule allowed to appear.

Rule of procedure 88.

123. (*a*) Where a prisoner gives notice of his intention to have a counsel to assist him during the trial either on the day on which he is informed of the charge or at any time not being less than seven days before the trial, or such shorter time before the trial as in the opinion of the court would have enabled the prosecutor to obtain, if he had thought fit, a counsel to assist him during the trial, and would have enabled the authority appointing a judge-advocate to appoint a counsel to act as judge-advocate at the trial, or where such notice as mentioned in (*b*) is given to the prisoner on the part of the prosecution, a counsel may appear at the court-martial to assist the prisoner.

Requirements for appearance of counsel.

(*b*) If the convening officer so directs, a counsel may appear on behalf of the prosecutor, but in that case unless the notice in (*a*) has been given by the prisoner, notice of the direction for counsel to appear shall be given to the prisoner at such time (not in any case less than seven days) before the trial, as would, in the opinion of the court, have enabled the prisoner to obtain a counsel to assist him at the trial.

(*c*) A counsel, who appears before a court-martial on behalf of the prosecutor or prisoner, shall have the same right as the prosecutor or prisoner for whom he appears to call, and orally examine, cross-examine and re-examine witnesses, to make an objection or statement, to

NATIONAL ARCHIVES OF INDIA

address the court, to put in any plea, and to inspect the proceedings, and shall have the right otherwise to act in the course of the trial in the place of the person on whose behalf he appears, and he shall comply with these rules as if he were that person; and in such case that person shall not have the right himself to do any of the above matters except as regards the statement allowed by Rule 128, or except so far as the court permit him so to do.

(*d*) When counsel appears on behalf of the prosecutor the prosecutor, if called as a witness, may be examined and re-examined as any other witness, and Rule 86 (*c*) and (*d*) shall not apply.

Counsel for prosecution.

124. (*a*) The counsel for the prosecution should always make an opening address and should state therein the substance of the charge against the prisoner and the nature and general effect of the evidence which he proposes to adduce in support of it, without entering into unnecessary detail. Rule of procedure 89.

(*b*) The counsel, appearing on behalf of the prosecutor, shall have the same duty as the prosecutor, and is subject to be stopped and restrained by the court in the manner provided by Rule 109 (*b*).

Counsel for prisoner.

125. (*a*) The counsel, appearing on behalf of the prisoner, has the like rights, and is under the like obligations, as are specified in Rule 109 (*c*) in the case of the prisoner. Rule of procedure 90.

(*b*) If the court ask the counsel for the prisoner a question as to any witness or matter, he may decline to answer, but he must not give to the court any answer or information which is misleading.

General rules as to counsel.

126. (*a*) Counsel, whether for the prosecution or for the prisoner, will conform strictly to these rules and to the rules of civil courts in India relating to the examination, cross-examination, and re-examination of witnesses and relating to the duties of counsel. Rule of procedure 91.

(*b*) If a counsel puts to a witness a question as to a matter which is not relevant except so far as it affects the credit of the witness by injuring his character, and the witness objects to answering the question, the court shall consider whether the witness should be compelled to answer it, and—

(1) If they are of opinion that the imputation conveyed by the question would, if true, seriously affect their opinion as to the credibility of the witness, the court should require the witness to answer the question; but

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(2) If they are of opinon that the said imputation, if true, would not affect or would not seriously affect the opinion of the court as to the credibility of the witness, the court should disallow the question.

If the question is disallowed, counsel on both sides will refrain from further examining or commenting on the said matter.

(*c*) Counsel will not state as a fact any matter which is not proved, or which he does not intend to prove in evidence.

(*d*) Counsel will not state what is his own opinion as to any matter of fact before the court.

(*e*) Counsel will not, in a question to any witness, assume that facts have been given in evidence which have not been given in evidence, or that particular answers have been given contrary to the facts.

(*f*) Counsel will treat the court and judge-advocate or superintending officer with due respect, and shall, while regarding the exigencies of his case, bear in mind the requirements of military discipline in the respectful treatment of any superior officer of the prisoner who may attend as a witness.

Rule of procedure 92.

Qualifications of counsel.

127. (*a*) Neither the prosecutor nor the prisoner has any right to object to any counsel if properly qualified.

(*b*) A counsel shall be deemed properly qualified —

(1) If in England or Ireland he is a barrister-at-law.

(2) If in Scotland he is an advocate.

(3) If in India he is a barrister-at-law, an advocate of Scotland or is a legal practitioner authorised to practise, with right of audience in a court of sessions.

(4) If in any other part of Her Majesty's dominions, he is recognised by the convening officer as having in that part rights and duties similar to those of a barrister-at-law in England, and as being subject to punishment or disability for a breach of professional rules.

Rule of procedure 93.

Statement by prisoner defended by counsel or officer.

128. (*a*) A prisoner, assisted by counsel, or by an officer subject to military law, may, if he thinks fit, at the close of the case for the prosecution, and before the address by such counsel or officer make any statement giving his own account of the subject of the charges against him, and such statement may be made either in writing or

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

orally, as if he were a witness, except that he must not be sworn and that no question can be put to him by the court or by any person.

(*b*) If the prisoner make such a statement, the procedure will, so far as possible, be the same if the prisoner had called witnesses other than witnesses as to character.

Proceedings.

129. (*a*) At a court-martial the judge-advocate, or, if there is none, the president or superintending officer, shall record or cause to be recorded all transactions of that court, and shall be responsible for the accuracy of such record (in these rules referred to as the proceedings); and if the judge-advocate is called as a witness by the prisoner, the president (or at a court composed of native officers, the interpreter) will be responsible for the accuracy of the record in the proceedings of the evidence of the judge-advocate. Rule of procedure 94.

Record in proceedings of transactions of court-martial.

(*b*) The evidence shall be taken down in a narrative form in as nearly as possible the words used, but in any case where the prosecutor, the prisoner, the judge-advocate, or the court considers it material, the question and answer shall be taken down *verbatim*.

(*c*) Any question which has been objected to, and the tender of any evidence which has been objected to, shall, if the prosecutor or prisoner so requests, or the court think fit, be entered with the grounds of the objection, and the decision of the court thereon.

(*d*) Where any address by, or on behalf of, the prosecutor or prisoner, is not in writing, it shall not be necessary to record the same in the proceedings, further or otherwise than the court think proper, except that—

(1) the court shall in every case make such record of the defence made by the prisoner as will enable the confirming officer to judge of the reply made by, or on behalf of, the prisoner to each charge against him; and

(2) the court should also record any particular matters in the address by, or on behalf of, the prosecutor or prisoner, which the prosecutor or prisoner, as the case may be, requires.

(*e*) The court shall not enter in the proceedings any comment, or anything not before the court, or any report of any fact not forming part of the trial; but if any such comment or report seems to the court necessary, the court may forward it to the proper military authority in a separate document signed by the president.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*f*) All letters, memoranda, or copies thereof, containing instructions to a court for a revision are to be attached to the proceedings.

(*g*) No corrections or additions are to be made to the proceedings of a court-martial after promulgation.

Rule of procedure 95.

Custody and inspection of proceedings.

130. The proceedings shall be deemed to be in the custody of the judge-advocate (if any), or, if there is none, of the president or superintending officer, but may, with proper precautions for their safety, be inspected by the members of the court, the prosecutor and prisoner, respectively, at all reasonable times before the court is closed to consider the finding.

Rule of procedure 96.

Transmission of proceedings after finding.

131. (*a*) Where the court is a general court-martial, the proceedings shall be at once sent by the person having the custody thereof to such person as may be from time to time directed by His Excellency the Commander-in-Chief, and, subject to the provisions of any such direction of His Excellency the Commander-in-Chief as may be directed by the order convening the court.

Army Regulations, India, Volume II, paragraphs 410-411.

(*b*) Where the court is a district court-martial the proceedings shall be at once sent by the person having the custody thereof to such person as may be directed by the order convening the court, or, in default of such direction, to the confirming officer.

(*c*) Where the court is a regimental court-martial, the proceedings shall be at once sent by the president or superintending officer to the confirming officer.

(*d*) The proceedings of courts-martial when despatched by post should invariably be sent under registered cover.

Rule of procedure 97.

Preservation of proceedings.

132. (*a*) The proceedings of a court-martial (other than a regimental or summary court-martial) shall, after promulgation, be forwarded, as circumstances require, to the office of the Judge-Advocate General in India, and there preserved for not less, in the case of a general court-martial, than seven years, and in the case of any other court-martial, than three years.

(*b*) The proceedings of a summary or regimental court-martial, when promulgated, shall be preserved for not less than three years, with the regimental records of the corps to which the prisoner belonged in manner from time to time directed by Regulations.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*c*) After disposal and publication in orders, the proceedings of [1][general and] district courts-martial are to be sent by the staff officer, or deputy or assistant judge-advocate-general, to the commanding officer of the corps or department to which the prisoner belongs, in order that the charge, finding, sentence and confirmation may be communicated to the prisoner, and the necessary entry may be made in the court-martial book.

Submission of proceedings of minor courts.

133. (*a*) When the officer commanding a [2][division, district or brigade] considers it necessary to submit under special circumstances on any legal points any proceedings of [2][summary] courts-martial for the orders of the [2][general officer commanding,] the proceedings are to be forwarded for that purpose to the deputy [2][or assistant] judge advocate-general. Matters involving any question of discipline in the proceedings of such courts are to be submitted through [the deputy or assistant adjutant-general of the command or division[1]]. Army Regulation, India, Volume II, paragraph 416.

Too lenient, severe or frequent punishments.

(*b*) It is the duty of officers * * * [3] to whom the proceedings of [2][summary] courts-martial are transmitted, to point out to commanding officers of regiments whenever they conceive that the punishments awarded have been too lenient or too severe, or too frequent, and they will also bring any such instances to notice at their inspections. Army Regulations, India, Volume II, paragraph 417.

Right of person tried to copies of proceedings of courts-martial.

134. (*a*) Every person tried by a court-martial shall be entitled on demand at any time after the confirmation of the finding and sentence, when such confirmation is required and before the proceedings are destroyed, to obtain from the officer or person having the custody of the proceedings a copy thereof, including the proceedings upon revision, if any, upon payment for the same at the prescribed rate. Indian Articles of War 161—A (3).

(*b*) A prisoner's appeal against the proceedings of a court-martial is to be transmitted to command head-quarters for consideration.

Loss of proceedings.

135. (*a*) If the proceedings of a court-martial, or any part thereof, are lost, a copy thereof, if any, certified by the president or by the judge-advocate at the court-martial, may be accepted in lieu of the original. Rule of procedure 99.

---

[1] These words were inserted by Notification No. 338-J., dated the 17th August, 1906, *see* Gazette of India, 1906, Pt. I, p. 591.

[2] Substituted by Notification No. 848-J., dated the 6th October, 1905, *see* Gazette of India, 1905, Pt. I, p. 711.

[3] The words "commanding districts" were repealed by *ibid.*

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*b*) If there is no such copy, and sufficient evidence of the charge, finding, sentence, and transactions of the court can be procured that evidence may, with the assent of the prisoner, be accepted in lieu of the original proceedings, or part thereof, lost.

(*c*) In any case above in this rule mentioned, the finding and sentence, if requiring confirmation, may be confirmed, and shall be as valid as if the original proceedings, or part thereof, had not been lost.

(*d*) If in a case where confirmation of a finding or finding and sentence, is required, the proceedings, or part thereof, were lost before confirmation, and there is no such copy or evidence, or the prisoner refuses such assent, as above mentioned, the prisoner may be tried again, and on the issue of an order convening the court for such trial, the said finding and sentence of the previous court of which the proceedings were so lost, shall be null.

Judge-advocate.

Rule of procedure 100.

Appointment of judge-advocate, and disqualification.

136. (*a*) Where the convening officer is authorised to appoint a judge-advocate, he shall, in the case of a general, and may, in the case of a district, court-martial by order appoint a fit person to act as judge-advocate at such court-martial.

(*b*) An officer who is disqualified for sitting on a court-martial shall be disqualified for acting as judge-advocate at the court-martial.

(*c*) A court-martial shall not be invalid by reason of any invalidity in the appointment of the judge-advocate officiating thereat, in whatever manner appointed, if a fit person has been appointed; but this rule shall not relieve from responsibility the person who made such invalid appointment.

(*d*) General officers or officers holding warrants empowering them to appoint judge-advocates may, when a court-martial is assembled at a considerable distance from the station of the judge-advocate, exercise their discretion in employing an officer to conduct the proceedings, provided the case is a simple one in which difficult points of law are not likely to arise; and they may also under like circumstances appoint an officer to act for the judge-advocate when revision is ordered in a case originally attended by that official. The new judge-advocate must be sworn.

Rule of procedure 101.

Substitute on death, illness or absence of judge-advocate.

137. If the judge-advocate dies, or from illness, or from any cause whatever, is unable to attend, the court shall adjourn, and the president shall report the circumstance to the convening authority; and a person not disqualified to be judge-advocate

NATIONAL ARCHIVES OF INDIA

may be appointed by the proper authority, who shall be sworn, and act as judge-advocate for the residue of the trial, or until the judge-advocate returns.

Powers and duties of judge-advocate.

138. The powers and duties of a judge-advocate are as follows: Rule of procedure 102.

(*a*) The prosecutor and the prisoner, respectively, are at all times, after the judge-advocate is named to act on the court, entitled to his opinion on any question of law relative to the charge or trial, whether he is in or out of court, subject, when he is in court, to the permission of the court.

(*b*) At a court-martial he represents the judge-advocate-general.

(*c*) He is responsible for informing the court of any informality or irregularity in the proceedings. Whether consulted or not, he will inform the convening officer and the court of any informality or defect in the charge, or in the constitution of the court, and will give his advice on any matter before the court.

(*d*) Any information or advice given to the court on any matter before the court will, if he or the court desire it, be entered in the proceedings.

(*e*) At the conclusion of the case he will, unless both he and the court consider it unnecessary, sum up the evidence and give his opinion upon the legal bearing of the case before the court proceed to deliberate upon their finding.

(*f*) Upon any point of law or procedure which arises upon the trial which he attends, the court should be guided by his opinion, and not overrule it, except for very weighty reasons. The court are responsible for the legality of their decisions, but they must consider the grave consequences which may result from their disregard of the advice of the judge-advocate on any legal point. The court, in following the opinion of the judge-advocate on a legal point, may record that they have decided in consequence of that opinion.

(*g*) The judge-advocate has, equally with the president, the duty of taking care that the prisoner does not suffer any disadvantage in consequence of his position as prisoner, or of his ignorance or incapacity to examine or cross-examine witnesses or otherwise, and may, for that purpose, with the

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

permission of the court, call witnesses and put questions to witnesses, which appear to him necessary or desirable to elicit the truth.

(*h*) In fulfilling his duties the judge-advocate will be careful to maintain an entirely impartial position.

Exception from rules.

Rule of procedure 103.

Suspension of rules on the ground of military exigencies or the necessities of discipline.

139. Where it appears to the officer convening a court-martial or to the senior officer on the spot, that military exigencies, or the necessities of discipline, render it impossible or inexpedient to observe any of the Rules 7, 11, 13 and 20, he may, by order under his hand, make a declaration to that effect, specifying the nature of such exigencies or necessities, and thereupon the trial or other proceeding shall be as valid as if the rule mentioned in such declaration had not been contained herein; and such declaration may be made with respect to any or all of the rules above in this rule mentioned in the case of the same court-martial:

Provided that the prisoner shall have full opportunity of making his defence, and shall be afforded every facility for preparing it which is practicable, having due regard to the said exigencies or necessities.

Summary General Court-Martial.

Indian Article of War 93.

Convening of summary general court-martial.

140. The following authorities have power to convene a summary general court-martial, and such a court-martial may be convened—

(*a*) In any place, whether within or beyond British India, by an officer empowered in this behalf by an order of the Governor General in Council, or of the Commander-in-Chief in India, or of the General Officer of the Command.

(*b*) By an officer commanding any detached portion of Her Majesty's troops upon active service when in his opinion it is not practicable with due regard to discipline and the exigencies of the service, that an offence should be tried by ordinary general court-martial.

Indian Article of War 91.

Composition of summary general court-martial.

141. (*a*) A summary general court-martial shall consist of not less than three officers, who may be either British or Native, or both British and Native officers, as the officer convening the court thinks fit.

NATIONAL ARCHIVES OF INDIA

Procedure of Courts-martial (Native Army)—*contd.*

(*b*) Such court may be convened and the proceedings thereof recorded in accordance with the form in the [1][seventh Appendix to these Rules], with such variations as the circumstances of each case may require:

Provided that the convening officer may, in respect of any such trial by such court, specially order the evidence together with the prisoner's statement in defence to be fully recorded in writing.

142. The statement of an offence may be made briefly in any language sufficient to describe or disclose an offence under the Indian Articles of War. Rule of procedure 107.

V of 1869. Charge.

143. Except when prisoners are tried together for an offence committed collectively the court and all witnesses must be re-sworn at each successive trial. Rule of procedure 108, moderate.

Trial of several prisoners.

144. (*a*) The names of the president and members of the court will be read over in the hearing of the prisoner, and he will be asked if he objects to be tried by any of those officers. Rule of procedure 25.

Challenge.

(*b*) If the prisoner objects to an officer, and any member of the court thinks the objection reasonable, steps will be taken to try the prisoner before a court composed of officers against whom he has no reasonable objection.

V of 1869. 145. The oaths as laid down in the Indian Articles of War 108 and 109 will be taken by the members of the court and the interpreter.

Swearing court.

146. When the court are sworn, the president will state to the prisoner then to be tried the offence with which he is charged with, if necessary, an explanation giving him full information of the act or omission with which he is charged, and will ask the prisoner whether he is guilty or not of the offence. Rule of procedure 111.

Arraignment.

147. If a special plea to the general jurisdiction is offered by the prisoner, and is considered by the court to be proved, the court shall report the same to the convening officer. Rule of procedure 112.

Plea to jurisdiction.

148. (*a*) The witnesses for the prosecution will be called, and the prisoner will be allowed to cross-examine them, and to call any available witnesses for his defence. Rule of procedure 113 (*a*) and (*b*).

Witnesses.

[1] Substituted by Notification No. 867-J., dated the 9th September, 1904, *see* Gazette of India, 1904, Pt. I, p. 658.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*b*) The oaths as laid down in Indian Article of War 111 shall be administered by a member of the court to every witness.

Rule of procedure 115.

149. The prisoner will be asked what he has to say in his defence, and shall be allowed to make his defence.

Defence.

Indian Article of War 92.

150. A summary general court-martial shall have all the powers of a general court-martial and, subject to any instructions contained in the order convening the court, its sentence shall be valid, and may be carried out forthwith in case it does not exceed that which a district court-martial is empowered to pass, and in any other case when confirmed by the authority convening the court.

Definition given in Indian Articles of War, Part I, Preliminary (17).

Rule of procedure 121 (*b*).

151. (*a*) The expression "Officer commanding any detached portion of Her Majesty's troops" means the officer whose duty it is under the provisions of Her Majesty's Regulations or, in the absence of any such provisions under the custom of the service, to deal with a charge against any of the persons belonging to such corps or portion of a corps who are present under his command, of having committed an offence, that is, to dispose of the charge on his own authority, or to refer it to superior authority.

Definitions.

Rule of procedure 122.

152. Any statement in an order convening a summary court-martial as to the opinion of the convening officer, and any statement in the minute confirming the finding or sentence of a summary court-martial as to the opinion of the confirming officer, shall be conclusive evidence of such opinion, but this rule shall not prejudice the proof at any time of any such opinion when not so stated.

Evidence of opinion of convening and confirming officer.

Regulations for Courts of Inquiry, other than Courts of Inquiry held under Article 162 of the Indian Articles of War.

Rule of procedure 123.

153. (*a*) A court of inquiry may be assembled by the officer in command of any body of troops whether belonging to one or more corps.

Courts of inquiry.

(*b*) The court may be composed of any number of officers of any rank, and of any branch or department of the service, according to the nature of the investigation.

(*c*) The court will be guided by the written instructions of the officer who assembled the court. The instructions should be full and specific, and must state the general character of the information required from the court in their report.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*d*) A court of inquiry has no judicial power, and is in strictness not a court at all, but an assembly of persons directed by a commanding officer to collect evidence with respect to a transaction into which he cannot conveniently himself make inquiry.

(*e*) Previous notice should be given of the time and place of the meeting of a court of inquiry, and of all adjournments of the court to all persons concerned in the inquiry.

(*f*) Whenever any inquiry affects the character of an officer or soldier, full opportunity must be afforded to such officer or soldier of being present throughout the inquiry, and of making any statement he may wish to make, and of cross-examining any witness whose evidence, in his opinion, affects his character, and producing any witnesses in defence of his character.

(*g*) A court of inquiry has no power to compel witnesses to attend and the evidence cannot be taken on oath.

(*h*) A court of inquiry will give no opinion on the conduct of any officer or soldier, and the proceedings of a court of inquiry, or any confession, statement or answer, to a question made or given at a court of inquiry, shall not be admissible in evidence against an officer or soldier, nor shall any evidence respecting the proceedings of the court be given against any officer or soldier. Nevertheless, in the event of an officer or soldier being tried by court-martial in respect of any matter or thing which has been reported on by a court of inquiry, such officer or soldier shall be entitled to a copy of the proceedings of the court of inquiry.

(*i*) The whole of the proceedings of a court of inquiry will be forwarded by the president to the commanding officer who assembled the court, and that commanding officer will, on his own responsibility, form such opinion as he thinks just.

(*j*) When, in consequence of the assembling of a court of inquiry an opinion adverse to the character of any officer or soldier is formed by the officer who determines the case so inquired into, whether such officer be the officer who assembled the court or a superior officer to whom the case has been referred by such last-mentioned officer, such adverse opinion shall be communicated to the officer or soldier against whom it has been given.

(*k*) The court may be re-assembled as often as the convening officer may direct, for the purpose of examining additional witnesses or recording further information.

(*l*) Members of a court of inquiry in a case which is subsequently the subject of a court-martial, are not to be detailed as members of the court-martial.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Army Regulations, India, Volume II, paragraph 428.

Boards of investigation on loss or damage of public property.

154. (*a*) In all cases of loss, destruction, or damage of public property exceeding twenty rupees, commanding officers of stations, posts, or regiments are to assemble boards composed of officers of standing and experience, in view to full investigation being made into the causes of such loss, destruction, or damage. In all such proceedings the board will record an opinion as to the cause of the said loss, etc., naming the persons, if any, chargeable with its loss.

Army Regulations, India, Volume II, paragraph 427.

(*b*) Witnesses subject to military law may be warned when necessary that any material difference between their statements and the evidence they may subsequently give at a court-martial or other court will be a ground for punishment.

Army Regulations, India, Volume II, paragraph 430.

Incomplete proceedings not to be forwarded on.

155. Commanding officers should not send on the proceedings of any court of inquiry or board of investigation until they have satisfied themselves that the matter to be inquired into has been thoroughly investigated as far as circumstances will admit. The court or board may be assembled, as often as the convening officer may direct, for the purpose of examining additional witnesses or recording further information.

Rule of procedure 124.

Court of inquiry as to illegal absence under Article 162.

156. (*a*) A court of inquiry under Indian Article of War 162 will, when assembled, require the attendance of such witnesses as they think sufficient to prove the absence and other facts specified as matters of inquiry in the said section.

(*b*) They will take down the evidence given them in writing, and at the end of the proceedings will make a declaration of the conclusions at which they have arrived in respect of the facts they are assembled to inquire into.

(*c*) The commanding officer of the absent soldier will enter in the regimental books a record of the declaration of the court, and the original proceedings will be destroyed.

(*d*) The court of inquiry will examine all witnesses who may be desirous of coming forward on behalf of the absentee, and in making their declaration will give due weight to the evidence of such witnesses.

(*e*) A court of inquiry will administer the same oath or solemn declaration to the witnesses as if the court were a court-martial, but the members of such court will not themselves be sworn.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Court of inquest.

Prescribed procedure for court of inquest.

157. When a court of inquest is required to be convened by the commanding officer beyond the limits of British India under the provisions of Army Regulations, India, Volume II, Section VIII, sub-section I, paragraph 1131, the court shall be convened and inquest held in manner following :— Rule of procedure 126.

(*a*) The officer commanding will order the court to assemble.

(*b*) The court will consist of three officers and of a medical officer.

(*c*) The court shall not take evidence on oath, and shall warn every person who is accused or suspected that he is not required to give evidence criminating himself, but that any statement or evidence he gives may be used against him in the event of any further proceedings being instituted.

(*d*) The court after hearing the evidence will report to the commanding officer the evidence as to the cause of the death, together with the written opinion of the medical officer of the court on his examination of the body as to the cause of death.

158. The expression "Commanding Officer" as used in the Indian Articles of War means in relation to any person the British officer whose duty it is under the Army Regulations, India, or in absence of such regulations, by the custom of the service, to discharge with respect to that portion of the forces or that department the functions of Commanding Officer in regard to matters of the description referred to in that provision. V of 1869. Indian Articles of War, Part I (17).

PART III.

SUPPLEMENTAL.

Exercise of powers vested in holder of military office.

159. Any power or jurisdiction given to, and any act or thing to be done by, to or before any person holding any military office for the purpose of these rules, may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to the custom of the service. Rule of procedure 130.

Cases unprovided for.

160. In any case not provided for by these rules such course will be adopted as appears best calculated to do justice. Rule of procedure 131.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Rule of procedure 132.

Forms in Appendices.

161. (*a*) The forms in appendices to these rules should be followed in all cases in which they are applicable, and when used shall be valid in law, but a deviation from such forms will not, by reason only of such deviation, render any charge, warrant, order, proceedings, or other document invalid.

(*b*) An omission of any such form will not, by reason only of such omission, render any act or thing invalid.

(*c*) The notes to, and instructions in, the forms will be considered as instructions which it is expedient to follow in all cases to which such notes and instructions apply.

Rule of procedure 133.

Definitions.

162. In these rules, unless the context otherwise requires—

(*a*) The expression "proper military authority," when used in relation to any power, duty, act, or matter, means such military authority as, in pursuance of regulations of the custom of the service, exercises or performs that power or duty or is concerned with that act or matter.

(*b*) The expression "Commander-in-Chief" means, as regards India, the Commander-in-Chief in India.

(*c*) The expression "Indian Articles of War," includes any Act, whether passed before or after the date of these rules, which amends or applies Act V of 1869; also any Act, whether passed before or after the date of these rules, which enacts an offence which is triable by court-martial.

(*d*) Other expressions have the same meaning as if these rules formed part of the Indian Articles of War (Act V of 1869), and accordingly words in the singular number include the plural, and words in the plural number include the singular, and the masculine gender includes the feminine gender.

Rule of procedure 134.

Construction of rules.

163. (*a*) Time for the purposes of any proceeding, or other matter under these rules, shall be reckoned exclusive of Sunday, Good Friday, and Christmas Day, but any time reckoned for the purposes of Rule 6, or of any punishment or of any deduction of pay, shall include those days.

(*b*) Any report or application directed by these rules to be made to a superior authority, or proper military authority, shall be made in writing through the proper channel, unless such authority, on account of military exigencies or otherwise, dispenses with the writing.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

(*c*) These rules shall apply to a person subject to military law as an officer in like manner so nearly as circumstances admit, as if he were an officer, and to a person subject to military law as a soldier in like manner, so nearly as circumstances admit, as if he were a soldier, subject, nevertheless, to this qualification—that nothing in these rules shall confer on any person not an officer or soldier any jurisdiction or power as an officer or soldier.

V of 1869. (*d*) Nothing in these rules shall be construed to be contrary to, or inconsistent with, any provision of the Indian Articles of War.

Definition of "prescribed authority" and "prescribed officer."

The "prescribed civil or military officer" for the purpose of Article 1 (3) shall be the commanding officer of the corps or department in which a person is about to be enrolled as defined by V of 1860. the Indian Articles of War, or any Magistrate.

[1][164. The "prescribed civil or military officer" for the purposes of article 1 (3) shall be either a magistrate or such officer as is hereinafter indicated; that is to say:

In the case of combatants, being recruits for native corps (including reservists).		The officer commanding a cavalry, artillery or infantry unit (as defined in Army Regulations, India, Volume II), a corps of sappers and miners, a military railway company, or a company (or the Aden section) of the sub-marine mining corps.
In the case of non-combatants, being—	men of the Supply and Transport Corps (including reservists).	[2][The Officer Commanding divisional supply, divisional transport, an organized unit, or station supply other than a departmental officer with honorary rank.]
	men of the Ordnance Department.	The ordnance officer in charge of an arsenal or depôt.
	men of the Army Bearer Corps or Army Hospital Corps.	[2][The Principal Medical Officer of a division or brigade or the Senior Medical Officer of the station.]

[1] Substituted by Notification No. 619-J., dated the 4th June, 1904, *see* Gazette of India, 1904, Pt. I, p. 485.

[2] Substituted by Notification No. 653-J., dated the 28th July 1905, *see* Gazette of India, 1905, Pt. I, p. 522.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

In the case of non-combatants, being—	followers ...	The officer commanding a cavalry, artillery, or infantry unit (as defined in Army Regulations, India, Volume II), a corps of sappers and miners, a military railway company or a company (or the Aden section) of the submarine mining corps.
	lascars of fort armaments.	The officer in charge of a fort armament.
	writers or compounders of the Medical Stores Department.	A medical store-keeper.
[1][In the case of reservists of Military Railway Companies,		The Adjutant of the Volunteer Corps of the Railway in whose service the reservists are serving.]

For the purposes of Article 85 B, will be the Officer Commanding the District or Station, or the Division or Brigade with which the corps, department, or detachment to which the accused belongs, or is attached, is serving.

For the purposes of Articles 174 and 175, will be the Officer Commanding the [2][division, district, brigade or station in which the accused is serving].

The " prescribed officer " for the purposes of Article 176 (5) (6), will be the Controller of Military Accounts of the Command, or the Accountant-General in India if the deceased or deserter belongs to a force not under any command.

For the purposes of Article 177, will be the Commanding Officer.

The " proper military authority " for the purposes of Article 184, will be the Commanding Officer of the corps, detachment, or department to which the officer or soldier belongs or is attached.

[1] Added by Notification No. 708-7, dated the 28th December, 1906, *see* Gazette of India, 1906, Pt. I, p. 655.

[2] Substituted by Notification No. 848-J., dated the 5th October 1905, *see* Gazette of India, 1905, Pt. I, p. 711.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

The "prescribed rate" of payment for court-martial proceedings furnished under the provisions of Article 161-A (3) shall be—

Seven annas for the first 200 words, and half that rate for each subsequent 200 words, or part thereof.

Extent of application of rules.

165. These rules shall apply in every place, whether within or without Her Majesty's dominions.

Short title.

166. These rules may be cited as the Rules of Procedure (Native Army).

RULES OF PROCEDURE (NATIVE ARMY).

FIRST APPENDIX.

Forms of charges.

Note as to use of forms of charges.

Rules of procedure, first appendix.

(1) Every charge-sheet will begin as shown in the form in Part I of the forms of charges, which are given as examples.

The description of an officer or soldier of the regular forces by his rank and corps is a sufficient averment that he is an officer or soldier, and that he is amenable to military law. In other cases, words must be added to show that the person is amenable to military law (*see* Rule 16).

(2) The commencement of the charge-sheet (according to the form in Part I) will be followed by the charge or charges.

(3) Each charge will consist of two parts; statement of the offence and statement of the particulars (rule 17).

(4) The statement of the offence will be in one of the forms in Part II.

(5) Where two or more words or expressions occur in Part II, bracketed together one under the other, the particular word or expression should be used which most accurately describes the offence which appears to the officer framing the charge to be capable of proof by legal evidence.

(6) Where the officer framing the charge is doubtful whether the offence, so capable of being proved by legal evidence, is more accurately described by one word, or expression, or by another, he may frame two or more alternative charges, each charge containing one of the words or expressions which appears to the officer to be applicable to the facts as capable of proof.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

(7) Where two or more of the words or expressions bracketed together appear, when coupled together with the word "and" accurately to describe the offence, the charge may couple together such words or expressions; but in no case must the charge couple with the word "or" two or more of the words or expressions bracketed together (*see* Rule 17-A).

(8) For example, a man may be charged with dishonestly removing his arms, clothes, *and* regimental necessaries: but a charge for dishonestly removing his arms, clothes, *or* regimental necessaries will be a bad charge.

(9) A man should not be charged, however, with pawning *and* selling a medal, as in such case he is charged with at least two distinct offences which ought to be included in at least two distinct charges, one for pawning his medal, the other for selling his medal, but he may, if desirable, be charged in two distinct charges, one for pawning his medal, and one for selling it.

(10) In the former example (paragraph 8) the offence is the dishonest removal of some article which he is prohibited from making away with, and is the same offence although committed in respect of different articles. In the second example (paragraph 9) there are two distinct offences of making away with his articles (*a*) by pawning, (*b*) by selling—although committed in respect of the same object—a medal.

(11) In some cases the offence can only be committed by an officer or by a non-commissioned officer or by a soldier. The forms of charges do not contain any reference to this fact; inasmuch as it will appear from the commencement of the charge whether the prisoner is, or is not, an officer, non-commissioned officer, or soldier and therefore capable of committing the offence. Care, however, must be taken not to charge an officer with an offence which a soldier only can commit, nor a soldier with an offence which an officer only can commit. For example, the offence in Indian Article of War 25 can only be committed by an officer, medical subordinate, or warrant officer, while the offence in article 50 can only be committed by a soldier. V of 1869.

(12) The statement of the offence in each charge will be followed by the appropriate statement of particulars, commencing with the words "in that he," etc., or "in having," etc., and stating in brief ordinary language what the prisoner is alleged to have done.

(13) The words "in that he" will be followed by the verb in the past tense; the words "in having" will be followed by the past

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

participle. The sentence stating the particulars will be framed more easily sometimes in the one form, sometimes in the other.

(14) In the case of several charges, the particulars in one charge may refer to the particulars in another (Rule 17-E) as, for example, "in having done the acts alleged in the particulars to the first charge," or "in that, at the place and time aforesaid, he was deficient in the necessaries above mentioned in the second charge, which it was his duty to have." If the prisoner is acquitted on any charge in which full particulars were set out and is convicted on a charge which referred to those particulars, the particulars referred to must be treated as having been set out in full in the charge on which the prisoner is convicted, and must be set out in full in any record of conviction in which the particulars are set out.

(15) The statement of particulars should specify all the ingredients necessary to constitute the offence; for example, if the charge is one for disobeying a lawful command, the "particulars" must state the command, and show that it was given by a superior officer, and also how the prisoner disobeyed the command.

(16) The "particulars" should always give a general description of the place where the offence was committed, such as the station or town or "the line of march" and if it is material to the charge and is known the exact place. The prepositions "near" or "between" may be used (for instance, "at or near," "between") to assist in describing a place not exactly known, but they must never be used where the exact place is of the essence of the offence.

(17) The "particulars" should always state the date at which the offence was committed. If the exact date or time is unknown, the offence may be stated as having been committed "on or about" a particular day or time. This must never be done where the time is of the essence of the offence, as, for example, in the case of absence without leave or being intoxicated on a post.

(18) In some cases the offence may be stated with most accuracy as having been committed between two days' or between two times; as, for instance, in the case of absence without leave, or of quitting a post in other cases "between" may be used in consequence of the exact day or exact time not being "known."

(19) The words "or near" and "or about" and "between," should never be used unless it is impossible to express the exact

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

place or time, or the exact place or time is clearly unimportant, or unless the word "between" is the most accurate expression of the place or time.

(20) In many cases, as, for instance, where the prisoner's defence is an *alibi*, the time and place may be of the utmost importance in proving that *alibi*, although it is not the essence of the offence.

(21) There must be added at the end of the "particulars" a statement of any expenses, loss, or damage in respect of which the court-martial will be asked to award compensation under articles 138 and 139. For example, there may be added to the "particulars" in the case of a charge under article 42 that the prisoner thereby damaged ——— ———'s property to the value of ———; and other statements may be made according to the facts.

(22) If, however, the expenses, loss, or damage were caused by an act or omission which constitutes another offence, separately specified in the Act, that act or omission should be charged as a separate offence: for example, if a man deserts and is deficient in his regimental necessaries, he should be charged in a separate charge for loss by neglect of his necessaries. It would not be proper to state it as a consequence of the desertion, or to award compensation for it upon a conviction for desertion only.

PART I.

ILLUSTRATION OF A COMPLETE CHARGE-SHEET.

Charge-Sheet.

The prisoner No. 246, Sepoy Ali Baksh, 46th Regiment (Punjab) Bengal Infantry, is charged with—

First Charge—Disobeying the lawful command of his superior officer, in that,

At Allahabad, on the 28th of January, 1886, he disobeyed the lawful command of his superior officer, Jemadar Futteh Khan, of the same regiment, to turn out for Commanding Officer's parade, by not turning out.

Second Charge.—Being grossly insubordinate to his superior officer in the execution of his office,

in that,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

At Allahabad, on the 28th of January, 1886, he said to his superior officer in the execution of his office, Jemadar Futteh Khan, of the same regiment, "I will not go to the guard-room by the order of such a one as you."

To be tried by District Court-martial.

PART II.

STATEMENT OF OFFENCE.

Crimes punishable with death or transportation.

ARTICLE 7.

1. (*a*) Beginning, (*b*) Exciting, (*c*) Causing, (*d*) Joining } a mutiny, sedition.

2. Being present at and not using his utmost endeavours to suppress } a mutiny, sedition.

3. Knowing the existence of, Having reason to believe in the existence of } a mutiny, sedition, an intention to mutiny, an intention to create sedition, a conspiracy against the State. } and failing to inform without delay his commanding (or superior) officer of the same.

ARTICLE 8.

(*a*) Using criminal force to, (*b*) Attempting to use criminal force to, (*c*) Assaulting } a superior officer { knowing having reason to believe. } him to be such.

ARTICLE 9.

Disobeying the lawful command of his superior officer.

ARTICLE 10.

1. Deserting the service.

2. Attempting to desert the service.

ARTICLE 11.

Without having first obtained a regular discharge from his } corps, department } enlisting, enrolling { himself into another } corps, department.

ARTICLE 12.

(*a*) In time of war, (*b*) In time of alarm } when a sentry

or

When a sentry over { a state prisoner, a treasure, a magazine, a dockyard } { sleeping on his post, quitting his post before being regularly relieved, or quitting his post without leave.

ARTICLE 13.

(*a*) When a sentry, (*b*) When on guard, { plundering, wilfully destroying, wilfully injuring } property { placed under his charge, placed under charge of his guard.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

ARTICLE 14.

Shamefully { abandoning a / delivering up a } { garrison / fortress / post / guard } committed to his charge, which it was his duty to defend.

ARTICLE 15.

Treacherously making known the watchword to a person not entitled to receive it.

ARTICLE 16.

1. (*a*) Directly / (*b*) Indirectly { holding correspondence with / communicating intelligence to } { the enemy. / a person in arms against the State.

2. Coming to the knowledge of a { correspondence / communication } with { the enemy a person in / arms against the State } and failing to discover it immediately to his commanding (or superior) officer.

ARTICLE 17.

1. (*a*) Directly / (*b*) Indirectly { assisting / relieving } with { an enemy / a person in arms against the State. } with { money. / victuals. / ammunition.

2. Knowingly { harbouring / protecting } { an enemy. / a person in arms against the State.

ARTICLE 18.

(*a*) Relieving without proper authority { a State prisoner / an enemy / a person taken in arms against the State } placed under his charge.

(*b*) Negligently suffering to escape { a State prisoner / an enemy / a person taken in arms against the State } placed under his charge.

ARTICLE 19.

(*a*) Shamefully casting away his { arms / ammunition } { in the presence of an enemy. / in the presence of person in arms against whom it was his duty to act.

(*b*) Intentionally using { words / (other) / means } { to induce / to discourage } { an officer / a soldier } { to abstain from acting against } { an enemy. / person in arms against whom it was his duty to act.

Misbehaving in the presence of { an enemy. / persons in arms against whom it was his duty to act.

ARTICLE 20.

In time of action, without authority, leaving his { commanding officer / post / colours / party } to go in search of plunder.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

ARTICLE 21.

In time of war, quitting his { guard picquet / party / patrol } { without being regularly relieved. / without leave. }

ARTICLE 22.

1. (*a*) In time of war, (*b*) During a military operation, { using criminal force to / committing an assault on } a person { bringing / provisions necessaries } { to camp / the quarter } of Her Majesty's Forces.

2. (*a*) In time of war, (*b*) During a military operation, } forcing a safeguard.

3. (*a*) In time of war, (*b*) During a military operation } breaking into, without authority, { a house / (other place) } for plunder.

4. (*a*) In time of war, (*b*) During a military operation, } plundering / injuring / destroying { a field. / a garden. / (other property). }

ARTICLE 23.

1. (*a*) In time of war, (*b*) During a military operation, } intentionally occasioning a false alarm in { action. / camp. / garrison. / quarters. }

2. (*a*) In time of war, (*b*) During a military operation, } spreading, by { words, / letters, } { reports calculated to create } { alarm. / despondency. }

Crimes punishable otherwise than by death or transportation.

ARTICLE 24.

Making a wilfully false answer to a question set forth in the attestation paper which was put to him by, or by direction of, the officer before whom he appeared for the purpose of being attested. G. O. 22 of 1895.

ARTICLE 25.

Behaving in a manner unbecoming the position and character of { an officer. / a medical subordinate. / a warrant officer. } G. O. 22 of 1895.

ARTICLE 26.

Intoxication { on / after having been warned for / on parade / on the line of march } duty. G. O. 22 of 1895.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

ARTICLE 27.

(*a*) Striking
(*b*) Forcing
(*c*) Attempting to force } a sentry.

ARTICLE 28.

(*a*) Knowingly harbouring a deserter.
(*b*) Knowing
(*c*) Having reason to believe { a person has deserted, a deserter has been harboured by another person } failing to give immediate notice to his own (or superior) officer.
failing to use his utmost endeavours to cause the apprehension of such deserter.

ARTICLE 29.

Enlisting a person { knowing / having reason to believe } the person so enlisted to be a deserter.

ARTICLE 30.

(*a*) Absenting himself without leave.
(*b*) Overstaying his leave without sufficient cause.

G. O. 22 of 1895.

ARTICLE 31.

Failing without sufficient cause to join without delay from leave, after receiving information from proper authority. { that his } { corps / department } { has been ordered on service.

ARTICLE 32.

Without sufficient cause, failing to appear at the { parade / place } appointed { for } { exercise. / duty.

ARTICLE 33.

Quitting { parade / the line of march } { without sufficient cause. / without leave from his superior officer.

ARTICLE 34.

In time of peace, quitting his { guard / picquet / patrol } { without being regularly relieved. / without leave.

ARTICLE 35.

When in command of a { guard, / picquet, / patrol, } { refusing to receive a prisoner committed to his charge. / releasing a prisoner without proper authority. / negligently suffering a prisoner to escape.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

ARTICLE 36.

When in { arrest, / confinement, } leaving his { arrest, / confinement, } before being set at liberty by proper authority.

ARTICLE 37.

Being { grossly insubordinate / grossly insolent } to his superior officer in the execution of his office.

ARTICLE 38.

Refusing to { Superintend / assist in } { the making of a } { field work (other military work) } { ordered to be made } { in quarters. / in the field. }

ARTICLE 39.

G. O. as of 1895.

(*a*) Impeding { a provost-marshal / an assistant provost-marshal / an officer / a non-commissioned officer / a person } legally exercising authority under, or on behalf of, a provost-marshal.

(*b*) Refusing when called upon to assist in the execution of his duty. { a provost-marshal / an assistant provost-marshal / an officer / a non-commissioned officer / a person } legally exercising authority under, or on behalf of, a provost-marshal.

ARTICLE 40.

G. O. as of 1895.

(*a*) Striking
(*b*) Ill-treating { a soldier / a person } enrolled attested { under the Indian Articles of War } { being his subordinate in } rank. position.

ARTICLE 41.

(*a*) Committing extortion.

(*b*) Exacting, without proper authority { carriage / porterage / provisions } from a person.

ARTICLE 42.

(*a*) In time of peace, committing house-breaking for the purpose of plundering.

(*b*) In time of peace { plundering / destroying / damaging } { a field. / a garden. / (other property). }

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

ARTICLE 43.

When in command { at a post on the march, } { receiving a complaint that a person under his command has } { beaten, maltreated, oppressed } any person, / disturbed { a fair, / a market, } / committed { a riot, / a trespass, } } { neglecting to have due reparation made to injured person. / failing to report the case to proper authority. }

ARTICLE 44.

(*a*) Defiling a place of worship.

(*b*) Intentionally insulting the religion of a person.

(*c*) Intentionally wounding the religious feelings of a person.

ARTICLE 45.

(*a*) Requiring / (*b*) Accepting / (*c*) Obtaining / (*d*) Agreeing to accept / (*e*) Attempting to obtain } for himself / (any other person) } { a gratification / for procuring / as a motive / (or reward) } { the enlistment / the enrolment } of a person. / { leave of absence / the promotion / an advantage / an indulgence } of (or for) a person in the service

ARTICLE 46.

In time of peace, intentionally occasioning a false alarm in { camp. / garrison. / cantonments. }

G. O. 22 of 1895.

ARTICLE 47.

1. (*a*) Designedly / (*b*) Through neglect { killing / injuring / making away with / losing / ill-treating } his horse. / any animal used in the public service.

2. (*a*) Dishonestly / (*b*) Fraudulently { removing / concealing / delivering to a person } { arms, / clothes, / tools, / musical instruments, / surgical instruments, / equipments, / ammunition, / accoutrements, / regimental necessaries, } belonging to himself, / entrusted to him. / belonging to another person.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

3. (*a*) Designedly / (*b*) Through neglect — injuring / losing — arms, clothes, tools, musical instruments, surgical instruments, equipments, ammunition, accoutrements, regimental necessaries — belonging to himself / entrusted to him / belonging to another person.

4. (*a*) Selling / (*b*) Pawning / (*c*) Destroying / (*d*) Defacing — a medal / a decoration — granted to him by order of — Her Majesty, the Governor General of India in Council — for service in the field / for general good conduct.

ARTICLE 48.

Attempting to commit and doing an act towards the commission of suicide.

ARTICLE 49.

Being below the rank of warrant officer, carrying a — sword, bludgeon, (other offensive weapon) — without proper authority, when off duty — in / about / going to / returning from — camp. cantonments. a town. a bazar. a town. a bazar.

ARTICLE 50.

In time of peace when a sentry ... ... — sleeping on his post. / leaving his post before regularly relieved. / leaving his post without leave.

ARTICLE 51.

Being found without proper authority. — two miles / upwards of two miles — from camp.

ARTICLE 52.

Absenting himself without proper authority from his — cantonment / lines / camp — after tattoo. / after retreat beating.

Crimes to be punished with dismissal from the service.

ARTICLE 54.

(*a*) Dishonestly misappropriating / (*b*) Dishonestly converting to his own use — money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments, military stores — the property of Government, entrusted to his charge, — on the public account. / for a military purpose.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

2. (*a*) Dishonestly using / (*b*) Dishonestly disposing of { in violation of a direction of a proper authority. } { money, provisions, forage, arms, clothings, ammunition, tools, instruments, equipments, military stores, } the property of Government, entrusted to his charge { on the public account. / for a military purpose. }

3. (*a*) Dishonestly receiving / (*b*) Dishonestly retaining { knowing / having reason to believe } the same to have been dishonestly { misappropriated, converted } { money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments, (any military stores,) } the property of Government entrusted to his charge { on the public account. / for a military purpose. }

ARTICLE 55.

(*a*) Wilfully destroying / (*b*) Wilfully injuring { Government property } { entrusted to him } { on the public account. / for a military purpose. }

ARTICLE 56.

(*a*) Making a false statement, / (*b*) Making a statement which he knows to be false, / (*c*) Making a statement which he believes to be false, / (*d*) Making a statement which he does not believe to be true, { on oath / on affirmation } before { a court-martial / a military court competent to administer } { an oath. / an affirmation. }

Disgraceful Conduct.

ARTICLE 58.

Disgraceful conduct, { malingering. feigning / producing / intentionally } { disease. / infirmity. } delaying his cure. / intentionally aggravating his { disease. / infirmity. }

ARTICLE 59.

Disgraceful conduct in voluntarily { causing hurt / causing grievous hurt } { to himself / to a person } { with intent to render } { himself / that person } unfit for service.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

ARTICLE 60.

1. Disgraceful conduct in committing theft of the property of
   - Government.
   - an officer.
   - a soldier.
   - a person in the service.
   - a military mess.
   - a military band.
   - a person serving with / a person attached to } the army.

2. Disgraceful conduct in dishonestly receiving / retaining knowing / having reason to believe it to be stolen the property of
   - Government.
   - an officer.
   - a soldier.
   - a person in the service.
   - a military mess.
   - a military band.
   - a person serving with / a person attached to } the army.

ARTICLE 61.

1. Disgraceful conduct in
   - dishonestly misappropriating
   - dishonestly converting to his own use

   } Government property entrusted to him for a purpose not provided for in Articles 54 and 55.

2. Disgraceful conduct in
   - dishonestly retaining
   - dishonestly receiving

   Government property entrusted to him for a purpose not provided for in Articles 54 and 55. knowing it to have been / having reason to believe it to have been
   - dishonestly misappropriated.
   - dishonestly converted.

ARTICLE 62.

1. Disgraceful conduct in obtaining / attempting / to obtain for himself / for a person
   - a pension
   - an allowance
   - an advantage
   - a privilege

   by a statement
   - which he knows to be false.
   - which he has reason to believe to be false.
   - which he does not know to be true.

2. Disgraceful conduct in obtaining / attempting / to obtain for himself / for a person
   - a pension
   - an allowance
   - an advantage
   - a privilege

   - by making a false entry in a book / record.
   - by using a false entry in a book / record.
   - by making a document containing a false statement.
   - by omitting to make a true entry
   - by omitting to make a document containing a true statement.

ARTICLE 63.

1. Disgraceful conduct in knowingly furnishing a false return of / report of
   - the number of his men
     - command.
     - charge.
   - the state of his men under his
     - command.
     - charge.
   - money
   - arms
   - ammunition
   - clothing
   - equipment
   - stores
   - (other property)

   in his charge belonging to
   - the men under his
     - command.
     - charge.
   - the Government.
   - a person in / a person attached to } the army.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*contd.*

2. Disgraceful conduct in { omitting / refusing } { through design / through culpable neglect } { to make a return of / to send a report of } { the number / the state / money / arms / ammunition / clothing / equipments / stores / (other property) } { of the men under his { command. / charge. } / in his charge belonging to { the { men / under his } { command. / charge. } / the Government. / a person in / a person attached to } } { the army. }

ARTICLE 64.

Such disgraceful conduct as is mentioned in Indian Articles of War 64. { with intent to defraud. / with intent to cause wrongful gain to a person. / with intent to cause wrongful loss to a person. }

ARTICLE 65.

1. Disgraceful conduct of { a cruel / an indecent / an unnatural } kind.

2. Disgraceful conduct in { attempting to commit an offence of { a cruel / an indecent / an unnatural } kind { and doing an act towards commission. }

Offences against courts-martial.

ARTICLE 67.

When duly summoned to attend as a witness before a court-martial { intentionally omitting to attend. / prevaricating. / refusing to { be sworn. / make affirmation. / answer. / refusing to { produce / deliver up } { a book / a document } { which has been duly warned and called upon to } { produce. / deliver up. }

ARTICLE 68.

Intentionally offering / Intentionally causing { an insult / an interruption / a disturbance } to a court-martial whilst sitting.

Using a { menacing / disrespectful } { word / sign / gesture } / Being { insubordinate / violent } } in the presence of a court-martial whilst sitting.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

First Appendix—*concld.*

Unspecified offences.

ARTICLE 70.

(*a*) An offence not punishable with death, and not specified in the Indian Articles of War 7 to 69 both inclusive,
(*b*) A neglect to obey { garrison / (or other) } orders,
(*c*) An act,
(*d*) An omission,
} prejudicial to good order and military discipline.

ARTICLE 71.

XLV of 1860. Abetment within the meaning of the Indian Penal Code[1] of an offence punishable under the Indian Articles of War.

[2][ARTICLE 167.

Preferring a { frivolous / groundless } complaint.

Non-military offences.

ARTICLES 171 and 172.

G. O. 22 of 1895. (*a*) In a place beyond British India
(*b*) When on active service in British India
} committing an offence against the Indian Penal Code, that is to say (enter the offence as described in the appropriate section of the Code).

ARTICLE 173.

(*a*) Within / (*b*) Beyond { British / India } committing / attempting to commit / abetting the commission of { murder / culpable homicide / voluntarily causing { hurt. / grievous hurt. } / voluntarily causing { hurt / grievous hurt } { by dangerous weapons or means, / poison / intoxicating means of { drugs stupefying / drugs with intent to commit an offence / to extort property, to constrain to an illegal act, to extort confession, to compel restoration of property, to deter public servant from his duty, on provocation } } } against any person subject to military law.

[1] *See* The revised edition as modified up to 1st April, 1903.
[2] Inserted by Notification No. 388-J., dated the 17th August, 1906, Gazette of India, 1906, Pt. I, p. 591.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

SECOND APPENDIX.

A

*Proceedings of a Summary Court-martial held at*_____ *on*_____ *the*_____ *day of*_____ *189* , *by*_____ *under the 93rd Indian Article of War for the trial of all such prisoners as he may duly have brought before him.*

Present :

_____

*Commanding the*_____*Regiment.*

Attending the trial.

_____*Regiment.*

_____*Regiment.*

Interpreter.

_____*Regiment.*

The officers assemble at the_____and the trial commences at _____ o'clock —M.

The prisoner No._____ of the_____

_____

is brought into Court.

_____

duly sworn as Interpreter.

_____the Commanding Officer is duly sworn.

B

The charge-sheet is read, translated, and explained to the prisoner, and entered as follows :

(Enter heading and body in accordance with the forms given in Army Regulations, India, Volume II Appendix 12, and illustration of a complete charge sheet at foot of page 337. When sanction for trial by summary Court-martial has been given by superior authority, for form of minute at foot of charge, see Army Regulations, India, Volume II, paragraph 423.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Second Appendix—*contd.*

C

ARRAIGNMENT.

By the Commanding Officer. How say you_____ are you guilty, or not guilty, of the _____charge preferred against you? — Question 1. To Prisoner.

Answer 1.

Are you guilty or not guilty of the _____ charge? — Question.

Answer.

PROSECUTION. — Prosecution.

_____ is called into Court duly_____, and examined by the Commanding Officer. — 1st Witness. Religion to be recorded (Hindu, Musalman, Sikh). Sikh should be sworn.

The prisoner declines to cross-examine the witness. The evidence is read over to the witness. — Question.

The witness withdraws.

D

The Prosecution is closed.

Do you intend to call any witnesses in your defence? — Question to prisoner.

Yes_____ — Answer.

Defence.

The prisoner is called upon for his defence and states— — Defence.

_____ — Defence.

is called into Court, duly_____, and examined by the prisoner. — 1st Witness.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Second Appendix—*contd.*

E

The Defence is closed.

Reply.

Reply. 1st Witness. _____

is called into Court, duly _____ and examined.

Question. _____

Answer. _____

F

Finding of Not Guilty.

Verdict of the Commanding Officer.

I am of opinion on the evidence before me that the prisoner, No. _____ of the _____, is Not Guilty of the charge preferred against him, and I acquit him thereof.

The verdict is read out and the prisoner released. He is to return to his duty.

Signed at _____ this _____ day of _____ 189 .

_____

_____ the _____

holding the trial.

The trial closes at— o'clock— M. _____ } attending the trial.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Second Appendix—*contd.*

G

Verdict of the Commanding Officer.

Finding of Guilty.

I am of opinion on the evidence before me that the prisoner, No._____of the_____is guilty of the charges preferred against him.

Proceedings before sentence.

Proceedings before sentence.

The following minutes by the Officer holding the trial are read and explained.

It is within my own knowledge, from the records of the_____ that the prisoner has_____been previously convicted by Court-martial (see certificate annexed).

That he is at present undergoing_____sentence.

Vide Army Regulations, India, Volume II, paragraph 402.

That, irrespectively of this trial, his general character has been _____

That his age is _____ and his service is_____

That he is in possession of the following decorations or honorary rewards:

H

Sentence by the Commanding Officer.

Sentence.

Taking all these matters into consideration, I now sentence the _____ to be_____

Signed at_____, this_____day of_____ _____189 .

_____

_____ the_____

holding the trial.

_____

_____ } Attending the trial.

The trial closes at—o'clock—M.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Second Appendix—*concld.*

Subsidiary order by the Commanding Officer.

_____ of _____ 189 . _____ the _____

Note.—For forms of subsidiary orders *see* Rule 47.

THIRD APPENDIX.

I.

Remarks by the Reviewing Officer.

Form of proceedings of a Court-martial held under the Indian Articles of War (to be written on one side of the paper only).

Proceedings of a _____ Court-martial held at _____ on the _____ day of _____ (composed of European officers under the provisions of the 86th Indian Article of War), convened by order of _____ commanding _____, dated the _____ day of _____ 18 .

President:

Rank.	Name.	Regiment.

Members:

NATIONAL ARCHIVES OF INDIA

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

Judge-Advocate.

(or Superintending Officer).

Interpreter.

At o'clock A.M. (or P.M.) the court assemble. Trial of ——————, who is brought a prisoner before the Court. Army Regulations, India, Vol. II, section VI, para. 389.

The interpreter is duly sworn (or affirmed).

The orders convening and forming the Court are read, and ——————(*or* copies thereof) are marked ——————, signed by the President (Judge-Advocate, *or* Superintending Officer) and attached to the Proceedings. ——————appears as prosecutor, and takes his place in Court.

The names of the officers composing the Court are read over in the hearing of the prisoner, and they severally answer to their names.

Q.—Do you object to be tried by any of the officers whose names you have heard read over? Question by President (or Judge-Advocate, or Superintending officer), to prisoner.

A.—————————

VARIATION I.

Challenging Officers.

A.—I object to ——————

Q.—Do you object to any other officer?

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

(*Instruction. This question is to be repeated until all objections are ascertained.*)

A.——————

Q.—What is your objection to——————?

A.——————

The prisoner in support of his objection to——————requests permission to call——————is called into Court, and questioned by the prisoner.

Q.——————

A.——————

——————, the officer challenged, makes the following reply and withdraws.

The court is closed to consider the objection.

Decision.—The Court disallow the objection.

The Court is re-opened, and the above decision is made known to the prisoner.

——————resumes his seat in court, and the trial is proceeded with.

Decision.—The Court allow the objection and——————retires.

(*Instruction 1.—If there is no waiting member to take the place of the officer who retires, the court must adjourn.*)

The Court adjourn for the purpose of a fresh officer being appointed.

Fresh Officer.——————, takes his place as an officer of the Court.

(*Instruction 2.—The option of challenge, as above, must be allowed the prisoner in respect of each fresh officer*)

Re-assembly. On the——————day of——————18——————, the Court re-assemble, and the order appointing——————to serve on the Court is read, marked——————and attached to the proceedings.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

(*Instruction 3.—The above procedure in respect of challenge must now be proceeded with as regards the fresh officer.*)

The Court, after the foregoing proceedings, is constituted as follows: Sec. VI, para. 389, Final composition of Court.

President :

Rank.	Name.	Regiment.

Members :

The President and Members are duly sworn (*or* affirmed). The Judge-Advocate (*or* Superintending Officer) is duly sworn.

(*Instruction 4.—All witnesses are now directed to withdraw from the Court.*)

Charge-sheet.

The charge-sheet is laid before the Court, read, marked———— signed by the President (Judge-Advocate, *or* Superintending Officer) and attached to the proceedings. Charge.

The prisoner is arraigned upon each charge in the above-mentioned charge-sheet. Arraignment.

Q.—Are you guilty or not guilty of the (first) charge against you which you have heard read? Question to prisoner.

A. ————————

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

(*Instruction 5.—Where there is more than one charge, the foregoing question will be asked after each charge is read, the number of the charge being stated.*)

Refusal to plead.

As the prisoner does not plead intelligibly (*or* refuse to plead, or does not plead guilty), the Court enter a plea of "not guilty."

(*Instruction 6.—A plea of "guilty" does not remove the necessity of evidence being adduced by the prosecutor sufficient to explain clearly the facts of the offence charged.*)

Prosecution. First witness for prosecution.

(*If the prosecutor makes an address.*)—The prosecutor reads the following address, which is marked————, signed by the President (Judge-Advocate, *or* Superintending Officer), and attached to the proceedings.

The prosecutor proceeds to call witnesses.

————being duly sworn (*or* affirmed) is examined by the prosecutor.

Cross-examined by prisoner.

Re-examined by prosecutor.

Examined by Judge-Advocate (or Superintending Officer).

Examined by Court.

His evidence is read over to witness.

Witness withdraws.

NATIONAL ARCHIVES OF INDIA

Procedure of Courts-martial (Native Army)—*cont d.*

Third Appendix—*contd.*

VARIATION 2.

The prisoner declines to cross-examine this witness.

The Court, at the request of the prisoner, allow the cross-examination of this witness to be postponed.

The prisoner (*or* the prosecutor) objects to the question just put.

Q. (*by Court*).—State your objection.

A. ———————————

The prosecutor (*or* prisoner) in reply states ———————————

The Judge-Advocate (*or* Superintending Officer) gives his opinion on the point of law involved, as follows:

The Court is closed to consider their decision.

The Court is re-opened, and the decision is announced as follows:

The witness, on his evidence being read over to him, makes the following explanation (or alteration).

Examined by the prosecutor (Prisoner, Court, Judge-Advocate, or Superintending Officer) as to the above explanation (*or* alteration).

The prosecutor and prisoner respectively decline to examine the witness as to his explanation (or alteration).

Adjournment. At ——————— o'clock P.M. (*or* A.M.) the Court adjourn until ——————— o'clock A.M. (*or* P.M.) on the ——————— day of ———————

Second day. Re assembly. At ——————— o'clock A.M. (*or* P.M.) on the ——————— day of ——————— 18 the Court, composed of the same members as before, re-assemble pursuant to adjournment, and the Judge-Advocate (*or* Superintending Officer), prosecutor, and prisoner being present in Court, the trial is proceeded with.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

VARIATION 3.

Re-assembly and adjournment.—At ——— o'clock A.M. (*or* P.M.) on the ——— day of ——— 18 , the Court re-assemble pursuant to adjournment, and ——— being absent, report the case to the convening officer, and adjourn until further orders (*or* the number of officers composing the court being not less than the legal minimum, the trial is proceeded with).

The examination of witnesses for the prosecution is closed.

Second witness for prosecution. Close of examination of witnesses for prosecution.

Q. (*to prisoner*).—Do you intend to call witnesses, other than as to character, in your defence?

A.—No.

The prosecutor addresses the Court upon the evidence for the prosecution as follows: (*or* hands in an address which is read, translated, marked ——— , signed by the President (Judge-Advocate, *or* Superintending Officer), and attached to the proceedings).

Close of prosecution. Defence. First witness for character.

The prosecution is closed.

The prisoner being placed upon his defence calls the following witnesses to character:

——— being duly sworn (*or* affirmed) is examined by the prisoner:

Cross-examined by Prosecutor.

Re-examined by Prisoner.

NATIONAL ARCHIVES OF INDIA

His evidence is read over to witness.

(*See variation 2.*)

Witness withdraws.

VARIATION 4.

The prosecutor declines to cross-examine this witness.

The prisoner hands in original testimonials and copies thereof. The copies are compared with the originals, marked _____, signed by the President (Judge-Advocate, *or* Superintending Officer), and attached to the proceedings. The originals are returned to the prisoner.

Q. (*to the prisoner*).—Have you anything to say in your defence?

A. _____

The prisoner in his defence says:

(*or* hands in a written address), which is read, translated, marked _____, signed by the President (Judge-Advocate, *or* Superintending Officer), and attached to the proceedings).

The defence is closed. Close of defence.

(*Instruction 8.—If the prisoner calls witnesses who are not as to character only, the following is to be the procedure.*)

_____ being duly sworn (*or* affirmed) is examined by the prisoner: First witness for defence.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

Cross-examined by Prosecutor.

Re-examined by Prisoner.

Examined by Judge-Advocate (or Superintending Officer).
Examined by Court.

His evidence read to witness.

(*See variation 2.*)

The witness withdraws.

VARIATION 5.

The prosecutor declines to cross-examine this witness.

The prosecutor by leave of the Court calls witnesses in reply.

1st witness in reply———————————being duly sworn (*or* affirmed) is examined by the prosecutor,

(*Instruction 9.—Examination, cross-examination, and re-examination is to be conducted in the same manner as in the case of a witness for the prosecution.*)

The prisoner makes the following address: (*or* hands in a written address), which is read (translated), marked ———————

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869).—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

signed by the President (Judge Advocate, *or* Superintending Officer), and attached to the proceedings.

The prosecutor makes the following reply: (*or* hands in a written reply), which is read, marked ——————, signed by the President (*or* Judge Advocate, *or* Superintending Officer), and attached to the proceedings. Close of defence.

VARIATION 6.

The prosecutor declines to make a reply.

The Judge Advocate (*or* Superintending Officer) reads his summing-up, which is orally translated, marked ——————, and attached to the proceedings. Summing-up by Judge Advocate (*or* Superintending Officer).

VARIATION 7.

The Court on the representation of the Judge Advocate (*or* Superintending Officer) dispense with a summing-up.

The Court is closed to consider their finding.

VARIATION 8.

The Court is re-opened, and ——————, the —————— witness for the ——————, is re-called, and examined by the Court on his former oath (or affirmation).

(*Instruction 10.—The Court may permit the prisoner or prosecutor to cross-examine on the evidence now elicited.*)

His evidence is read over to the witness.

(*See Variation 2.*)

This witness withdraws.

The Court is closed to consider their finding.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

Finding.

Finding. (*a*) The Court find that the prisoner———— is not guilty of the charge (*or* charges).

Full acquittal. (*b*) ———— is not guilty of the charge (*or* charges), and is guilty of the charge (*or* charges).

Partial acquittal. (*c*) ———— is guilty of the charge with the exception of the words (*or* with the exception that—).

Special finding. (*d*) ———— is not guilty of desertion, but is guilty of absence without leave from the———— to————, being a period of ———— days.

Special finding. ———— did the act (*or* acts *or* said the words) as stated in the charge, but was at the time insane and not responsible for his actions (*or* words).

Proceedings after conviction.

Insanity. The Court being re-opened, the prisoner is again brought before its———— is duly sworn *or* affirmed.

Q.—What record have you to produce in proof of former convictions against the prisoner?

A.—I produce a statement certified under the hand of the officer having custody of the regimental (*or* departmental) records.

The statement is read, orally translated, marked———— signed by the President (Judge Advocate, *or* Superintending Officer) and attached to the proceedings.

Q.—Is the prisoner the person named in the statement you have heard read?

A.————

Q.—Have you compared the contents of the above statement with the regimental records?

A.————

Q.—Are they true extracts from the regimental records, and is the statement of entries in the defaulter book a fair and true summary of those entries?

A.————

NATIONAL ARCHIVES OF INDIA

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

Cross-examined by Prisoner.

(*or* The prisoner declines to cross-examine this witness.)

Examined by the Court.

His evidence is read over to witness.

(*See variation 2.*)

The witness withdraws.

The Court is closed to consider its sentence. Court closed.

Sentence.

The Court sentence [the prisoner ———— Sentence.

(*a*) to suffer death by being hanged by the neck until he be dead (*or* to suffer death by being shot to death); Death.

(*b*) to suffer transportation for the term of ———— years (*or* for life); Transportation for—— years.

(*c*) be imprisoned with (*or* without) hard labour for ———— years (months *or* days); Imprisonment, hard labour, for——

(*d*) to be imprisoned for ———— months (*or* days); 14 days of the said imprisonment to be with solitary confinement, such solitary confinement not to exceed 14 days at a time, with intervals between the period of solitary confinement of not less duration than such periods (the remainder of the said imprisonment to be with hard labour); Imprisonment for—— and solitary confinement.

(*e*) to be dismissed from the service; (this may accompany any other sentence). Dismissal.

(*f*) to be suspended from rank, pay, and allowances for a period of———— Suspension (for officers, native doctor and warrant officers only).

(*g*) to be degraded to the grade ———— (*or* class) in department; Degradation (for native doctors and warrant officers only).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army) —*contd.*

Third Appendix—*contd.*

Loss of standing (for officers, native doctors, warrant officers and non-commissioned officers). Reduction.

(*h*) to be placed ——————steps lower in the list of his rank ; Army Regulations, India, section 6, paragraph 389.

(*i*) to be reduced to the ranks ; or to the rank of—;

(*j*) to suffer a corporal punishment of ——————lashes ;

(*k*) and in addition to forfeit all advantage as to his additional pay and claim to pension on his discharge, in respect of past (and future) service ;

(*l*) and in addition to forfeit all arrears of pay and allowances (*or* public money) due to him at the time of his dismissa

(*m*) and in addition to forfeit out of the arrears of pay and allowances (*or* public money), due to him at the time of his dismissal, the sum of——————to make good ——————————;

(*n*) and in addition to be put under stoppages of pay, to the extent specified in Indian Articles of War, 134 (iii), until he shall have made good the sum of ——————;

(*o*) and in addition to forfeit his medal or medals (or other military decoration).

Signed at ——————, this ——————day of——————18 ——————.

——————President.

——————Judge Advocate (*or* Superintending officer).

Revision.

Revision.

Re-assembly

At——————on the——————day of——————18——————, at ——————o'clock A.M. (*or* P.M.) the Court, composed of the same members, all being present re-assemble by order of——————for the purpose of re-considering ——————————.

The Judge Advocate (*or* Superintending Officer) and Interpreter are present.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

VARIATION 9.

The Judge Advocate not being available, an order appointing _____ Judge Advocate is read, marked _____ signed and attached to the proceedings.

The Judge Advocate is duly sworn.

_____ being absent, a letter of explanation (*or* medical certificate) accounting for his absence is read, marked _____, signed by the President (Judge Advocate *or* Superintending Officer), and attached to the proceedings.

The Court being composed of the legal minimum proceeds with revision.

(*or* the Court being now below the legal minimum reports to the convening officer and adjourns *sine die.*)

The order directing the re-assembling of the Court, and the letter (*or* memorandum) giving the reasons of the confirming officer for requiring a revision of the _____ are read, marked _____, signed by the President (Judge Advocate, *or* Superintending Officer), and attached to the proceedings.

The Court, having attentively considered the observations of the convening authority, respectfully adhere to their _____

(*a*) do now revoke their finding and sentence, and now find that the prisoner _____ is _____

The Court now sentence the prisoner _____ to _____

(*b*) do now revoke their sentence, and now sentence the prisoner _____ to _____

Signed at _____ this _____ day of _____

18_____ _____ President.

_____ Judge Advocate (*or* Superintending Officer).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*contd.*

Recommendation to mercy.

Army Regulations, India, section VI, paragraph 389. Recommendation to mercy.

(*Instruction 11.—A recommendation to mercy, if voted by a majority, should follow the signatures to the sentence, and be signed by the President and Judge Advocate* (or *Superintending Officer*).

The Court by a majority of _____ (*or* unanimously) recommend the prisoner to mercy on the ground that _____

_____ President.

_____ Judge Advocate (*or* Superintending Officer).

26.—Confirmation.

(*a*) Confirmed. (I mitigate, remit, or commute the _____ to _____.)

(*b*) Not confirmed.

(*c*) I confirm the finding; the sentence is not confirmed.

(*d*) I confirm the finding on the _____ charge only, and I confirm the sentence.

(*e*) I confirm the finding with the exception _____ and the sentence is also confirmed as to _____ (*or* except as to _____ *or* limiting _____).

Signed at _____ this _____ day of _____ 18____

_____

Commanding the _____ *District.*

Subsidiary Orders.

G. O. 18 of 1894.

(*a*) The prisoner is to be released from arrest (*or* confinement) and to return to his duty (as _____).

(*b*) The execution will be carried out in accordance with the instructions which will be communicated by the Deputy Adjutant-General of the Command to the (General) Officer Commanding at _____.

(*c*) The prisoner is to be made over with the prescribed warrant of commitment to the civil authorities for the purpose

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Third Appendix—*concld.*

of undergoing the sentence of transportation and his name to be struck off the strength of the regiment from the date of confirmation.

(*d*) The prisoner is to be struck off the strength of his regiment (or department) from the_____day of _____18____ (*or* this date), and is to be delivered over with the prescribed warrant of commitment to the officer in charge of the nearest jail.

(*e*) Or the imprisonment will be carried out in military custody.

(*f*) The name of the prisoner is to be struck off the returns of his regiment (or department) from the date on which this order is communicated to him (*or* this date), and a report of the same to be made to the Deputy Adjutant-General of the Command.

(*g*) The suspension will take effect from this date (*or* from the_____day of_____18_____).

(*h*) The prisoner's name will be transferred to the top of the list of_____, and his rank (*or* class) therein will bear date the_____.

(*i*) The prisoner's name will be transposed in the list of his rank and will stand next below that of _____.

(*j*) The punishment will be carried out, in the presence of a medical officer (and regiment), and will be inflicted with the regulation cat on the bare back.

FOURTH APPENDIX.

Warrant of Commitment applicable to sentences of transportation by substituting "transportation" for imprisonment with hard labour where necessary.

To

The Magistrate,

or other officer in charge of the Jail,

at_____

Whereas at a_____court-martial, held at_____on the _____day of_____, 18 _____, (*Rank*), (*Name*),_____ of the_____regiment of_____was convicted

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Fourth Appendix—*concld.*

of (*the offence to be briefly stated here, as "desertion", "theft", "receiving stolen goods", "fraud", "disobedience of lawful command", or as the case may be*)

And whereas the said _____, court-martial _____ on the _____ day of _____, 18_____, passed the following sentence upon the said (*Name*); that is to say:

(*Sentence to be entered in full, but without signature.*)

And whereas the said sentence has been duly confirmed (*if there is any mitigation of the sentence, such mitigation must be noticed thus; to the extent of* _____) by (*Rank and Name*) Commanding _____ and the said (*Name*) is herewith transmitted to you to undergo the same.

Now these are to require and authorise you to receive the said (*Name*) into your custody, and inflict upon him the said sentence of imprisonment with hard labour for _____ reckoned from the day on which the said sentence was passed.

Given under my hand at _____, this the _____ day of _____, 18_____

(*To be signed by the confirming officer of a regimental, detachment or summary court-martial or by the staff officer of the division, district, or station or the commanding officer of the regiment if the trial has been by general or district court-martial.*)

FIFTH APPENDIX.

Summons for a Civil Witness.

Form of Summons to a Civil Witness.

To _____

Whereas a _____ court-martial has been ordered to assemble at _____ on the _____ day of _____, 18_____, for the trial of _____ of the _____ regiment, I do, by virtue of the authority vested in me, summon and

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Fifth Appendix—*concld.*

require you A_____ B _____ to attend as a witness at the sitting of the said court at _____, on the _____ day of _____ at _____ o'clock in the forenoon (and to bring with you the documents hereinafter mentioned, namely, _____), and so to attend from day to day until you shall be duly discharged; whereof you shall fail at your peril.

Given under my hand at _____ on the _____ day of _____ 18_____

(Signature) _____

Judge Advocate (or Convening officer).

SIXTH APPENDIX.

Schedule of Convictions by a Court-Martial or Civil Court of prisoner.

Rank, Name and Regimental No. _____ of the _____

Note.—A verbatim extract from the regimental books, stating these convictions must be inserted:

Description of Court.	Place and date of trial.	Charges of which convicted.	Sentence.	Minute of confirmation.	Remarks.

Station _____

Date _____

Commanding.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

[1][SEVENTH APPENDIX.

FORM FOR ASSEMBLY AND PROCEEDINGS OF A SUMMARY GENERAL COURT-MARTIAL.

Proceedings.

A.—Order convening the Court.

At —— (*place*) this ———— day of ———— 19

Whereas it appears to me,

(*in cases under Article 90, clause (a)*) an officer empowered in this behalf by an order of the Governor General in Council / Commander-in-Chief in India / General Officer of the Command,

(*in cases under Article 90, clause (b)*) the officer now in command of (*description of detached troops*) upon active service.

That the person / persons named in the annexed schedule, and being subject to military law, has / have committed the offence / offences in the said schedule mentioned

(*in cases under Article 90, clause (b)*) and whereas I am of opinion that it is not practicable, with due regard to discipline and the exigencies of the service, that the said offence / offences should be tried by an ordinary general court-martial,

I hereby convene, to try the said person / persons, a summary general court-martial, consisting of (*name, rank and corps of each member*), of whom the senior officer shall sit as president; and I appoint (*name, rank and corps*) to be the interpreter to the said court-martial.

(*Here enter the special order (if any) under the proviso to Rule of Procedure 141 (b), and any instructions under Article 92.*)

Signature of Convening Officer.]

[1] Added by Notification No. 867-J., dated the 9th September, 1904, *see* Gazette of India, 1904, Pt. I, p. 658.

NATIONAL ARCHIVES OF INDIA

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Seventh Appendix—*contd.*

B.—Certificate of President as to Proceedings.

I certify that the above Court assembled on the_____ day of_____ 19 , and duly tried the $\frac{\text{persons}}{\text{person}}$ named in the said schedule, and that the plea, finding and sentence in the case of $\frac{\text{such}}{\text{each such}}$ person were as stated in the third and fourth columns of that schedule.

Signed at——(*place*) this_____ day of_____

Signature of President.

C.—Confirmation.

(*In cases in which confirmation is required by Article 92.*)

I have dealt with the $\frac{\text{finding}}{\text{findings}}$ and $\frac{\text{sentence}}{\text{sentences}}$ in the manner stated in the last column of the said schedule, and, subject to what I have there stated, I hereby confirm the above $\frac{\text{finding}}{\text{findings}}$ and $\frac{\text{sentence}}{\text{sentences}}$.

Signed at____(*place*) this_____ day of_____ 19 .

Signature of Confirming Officer.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

Seventh Appendix—*concld.*

SCHEDULE.

Date_____19 . No._____

Name of alleged offender.*	Offence charged.	Plea.	Finding, and, if convicted, sentence†.	How dealt with by confirming officer.
1	2	3	4	5
Ram Buksh (Bunnia).	Offence against person of inhabitant of country.	Guilty.	Guilty. H. L. imprisonment for _____	Confirmed. I remit P——Q
262, Sepoy Jhunda Singh, ——Regiment.	Breaking into house in search of plunder.	Not guilty.	Guilty. Two months' H. L. imprisonment.	Not confirmed. P——Q
564, Sowar Hossein Khan, ——Regiment.	Drunk on post.	Not guilty.	Guilty. Death. Recommended to mercy.	Confirmed, but punishment commuted to H. L. imprisonment for _____ P——Q
Person accompanying force (name unknown), white jacket and trousers, scar on right cheek.	Impeding provost-marshal.	Not guilty.	Not guilty.	...
Sepoy in uniform of ——Regiment (name unknown).	Offence against property of inhabitant of country.	Not guilty.	Guilty. H. L. imprisonment for _____	Confirmed. P——Q

——Q——

C——D——

Convening officer.

President.

*If the name of the person charged is unknown, he may be described as unknown, with such addition as will identify him.

†[Recommendation to mercy to be inserted in this column.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders madeunder General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*contd.*

[1] [EIGHTH APPENDIX.

V of 1869. [Form of order for the Assembly of a General or District Court-martial under the Indian Articles of War.

———— Orders by ————

Commanding the ————

(Place and Date) ————

The detail of officers as mentioned below will assemble at ———— on the ———— day of ———— for the purpose of trying by a ———— Court-martial (composed of British officers under the provisions of the 86th Indian Article of War) the prisoner (prisoners) named in the margin (and such other prisoner or prisoners as may be brought before them).

Members.

~~seven~~ / five officers are not, due regard being had to the public service, available.

The senior officer to sit as President.

Waiting Members.

Judge Advocate.

———— has been (or where the convening officer has the appointment of a Judge Advocate, is hereby) appointed Judge Advocate , or superintending officer

———— is appointed superintending officer.

[1] Added by Notification No. 633-J., dated the 21st July, 1905, *see* Gazette of India, 1905, Pt. I, p. 533.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*contd.*

Procedure of Courts-martial (Native Army)—*concld.*

Eighth Appendix—*concld.*

Interpreter.

_____is appointed interpreter.

The prisoner (prisoners) will be warned, and all witnesses duly required to attend.

The proceedings (of which only one copy is required) will be forwarded to_____

Signed this_____day of _____

By order,

_____]

[*See* Gazette of India, 1899, Pt. I, p. 619.]

Exemption of the Malwa Bhil Corps from the Articles of War as to general service.

No. 681, dated the 7th June, 1898.—With reference to the notifications of the Government of India in the Foreign Department Nos. 563-I.B. and 564-I.B., dated the 12th February, 1897, the Governor General in Council is pleased, in exercise of the powers conferred by Article 191 (*1*) of the Indian Articles of War (Act No. V of 1869, as amended by Act No. XII of 1894), to decide that the Malwa Bhil Corps and the Mewar Bhil Corps shall be exempted from the provisions of Article 1 (*4*) of the said Articles so far as those provisions relate to general service, and that a modified oath shall be administered on enlistment to the men of these corps in which all reference to liability to general service shall be omitted.

[*See* Gazette of India, 1898, Pt. I, p. 655.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

INDIAN ARTICLES OF WAR, 1869 (ACT V OF 1869)—*concld.*

Volunteer Regulations.

No. 1203, dated 1st December, 1875.—A [1]Code of "Regulations for the Volunteer Forces in India" having been approved by the Hon'ble the President in Council, with the concurrence of the Right Hon'ble the Viceroy and Governor-General, the orders therein contained will supersede all circulars and orders heretofore issued relative to the Volunteer Forces in India, and are to be strictly observed.

2. Any alteration which may become necessary hereafter will be notified by a General Order or Circular embodying the new Regulation and referring to the part of these Regulations which is to be modified or cancelled.

3. Copies of the Regulations will be issued to Volunteer Corps and Departments of the Army concerned, as public records.

4. This order is applicable to the three Presidencies.

[*See* Gazette of India, 1875, Pt. I, p. 616.]

THE INDIAN VOLUNTEERS ACT, 1869 (XX OF 1869.)

Volunteers called out for Military Service.

No. 300, dated 13th March, 1896.—In exercise of the powers conferred by section 28 of the [2]Indian Volunteers Act XX of 1869, as amended by the Indian Volunteers Act Amendment Act (X of 1896), the Governor General in Council is pleased to make the following rules to regulate the concessions admissible to volunteers called out for military service:—

When a volunteer corps is called out for actual military service, the following rules shall take effect, namely,—

(*a*) There shall be issued to the commanding officer a sum of thirty-two rupees for the use of every officer, non-commissioned officer and volunteer belonging to, and assembling with, the corps (except such of them as do not desire to receive the benefit thereof); and each such sum, or so much thereof as the commanding officer of the corps thinks fit, shall be laid out, under the direction of the commanding officer, in providing necessaries for such officer, non-commissioned officer and volunteer; and, within one month after issue thereof, an account shall be settled with each such officer, non-commissioned officer and volunteer respecting the application thereof, and any unapplied residue thereof shall be paid to him.

[1] *See* the Indian Army Regulations, Vol. IX.
[2] General Acts, Vol. I.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN VOLUNTEERS ACT, 1869 (XX OF 1869)—*contd.*

Volunteers called out for Military Service—*contd.*

(*b*) Such officers, non-commissioned officers and volunteers shall, while on, or proceeding to, or returning from, actual military service, be entitled to receive pay, allowances and rations as under :—

pay and allowances admissible to the different ranks in the British Army corresponding with those held by them in the volunteers, and

rations in the same manner and on the same scale as authorized for British troops serving in the military district in which the volunteers are serving.

(*c*) On the release of the corps from actual military service, each officer, non-commissioned officer and volunteer present with the corps at the time of such release shall be paid sixteen rupees (except such of them as do not desire to receive the same) in addition to his pay and allowances.

(*d*) A commissioned officer of the volunteers, who, when on actual military service, shall be wounded in action, or shall have received an injury when in the execution of military duty otherwise than in action, shall be entitled to the same pension or gratuity as an officer of similar rank in the British Army would be entitled to under the Royal Warrant in force at the time being.

(*e*) A commissioned officer of volunteers, who, when on actual military service, shall be so wounded in action or injured when in the execution of military duty otherwise than in action as to be rendered permanently incapable of resuming similar employment to that in which he was engaged at the time when called out for actual military service, shall have the option of being placed for life upon the half pay of an officer of corresponding rank in the British service, as laid down in the Royal Warrant in force at the time being, instead of receiving any pension or gratuity to which he might be entitled under rule (*d*).

(*f*) The widow, children, mother or sisters of a commissioned volunteer officer, who, when on actual military service, has been killed in action or has died of wounds received in action within twelve months after having been wounded, or has died from illness which can be directly traced to fatigue, privation or exposure, incident to active operations in the field, within twelve months after being first removed from duty on account of such illness, provided that the

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN VOLUNTEERS ACT, 1869 (XX OF 1869)—*concld.*

Volunteers called out for Military Service—*concld.*

illness be certified to have commenced during such active operations, shall be entitled to such pension or gratuity or compassionate allowances as the widow, children, mother or sisters of an officer of like rank in the British Army would be entitled to under the Royal Warrant in force at the time being.

(*g*) A volunteer non-commissioned officer or man who, by reason of wounds or injuries received in action or in the actual discharge of any military duty when on actual military service, shall be rendered partially or totally incapable of earning a livelihood, or in the same manner shall be rendered temporarily incapable of earning a livelihood, shall be entitled to such pension or gratuity as a non-commissioned officer or man of similar rank in the British Army would be entitled to under the Royal Warrant in force at the time being.

(*h*) If a married volunteer non-commissioned officer or man, when on actual military service, be killed in action or die of his wounds within twelve months after having been wounded, and leave a widow, shall be entitled to a gratuity of one year's pay of his military rank at the rate which the volunteer was in receipt of at the time of his death or of his being discharged from actual military service. A gratuity of one-third of a year's pay of the military rank of the father at the time of his death shall be issued under similar conditions to each orphan child under sixteen years of age, whose mother is dead.

(*i*) Nothing in these rules shall be held to interfere with any rights or privileges as to pensions or gratuities to which members of the volunteer force or their families may be already entitled under the regulations now in force.

[*See* Gazette of India, 1896, Pt. I, p. 185.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870).

Fees for letters of administration.

No. 1522-S. R., dated the 20th March, 1885.—In exercise of the powers conferred by section 26 of the [1]Court Fees Act, 1870, the Governor General in Council directs that the additional court-fee payable under section 19 E of the said Act on Probates and Letters of Administration shall be denoted either—

(*a*) by impressed and adhesive stamps in the manner prescribed in Notification No. 361 of 18th April, 1883; or

(*b*) wholly by adhesive stamps of the kind described in clause I of Notification No. 361 of 18th April, 1883.

[*See* Gazette of India, 1885, Pt. I, p. 213.]

Use of adhesive stamps for fees referred to in S. 3, para. 1 of the Court-Fees Act, 1870 (VII of 1870.)

No. 4070-S. R., dated the 23rd August, 1895.—In exercise of the power conferred by section 26 of the [1]Court-Fees Act, VII of 1870, and in supersession of the Notification in this Department No. 1678, dated the 18th July, 1873, the Governor General in Council is pleased to direct that the fees referred to in the first paragraph of section 3 of the said Act shall, with effect from the 1st September, 1895, be denoted by adhesive stamps of the size and pattern introduced in 1883, bearing the words "Court-fee" and containing three lines in the middle with the Queen's head and the value printed on the left side, and the word "Service" overprinted on the stamps.

[*See* Gazette of India, 1895, Pt. I, p. 722.]

No. 3318-S. R.—In exercise of the power conferred by section 26 of the [1]Court-Fees Act (VII of 1870), and in continuation of the Notifications of the Government of India in the Finance and Commerce Department, Nos. 361 and 4070-S. R., dated the 18th April, 1883, and the 23rd August, 1895, respectively, the Governor General in Council is pleased to direct that the fees referred to in the first paragraph of section 3 of the said Act may be denoted by adhesive stamps bearing the Queen's head in a circle in the centre and the value printed on each side thereof, and overprinted with the words "High Court Service."

[*See* Gazette of India, 1896, Pt. I, p. 604.]

[1] *See* the revised edition as modified up to 1st October, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Use of adhesive and impressed stamps and remission of fractions of an anna.

No. 361, dated the 18th April, 1883.—In exercise of the powers conferred by sections 26 and 35 of the[1] Court-Fees Act, 1870, and of all other powers enabling him in this behalf; and in supersession of Notification by the Government of India in the Financial Department No. 1520, dated 5th March, 1875, and all other Notifications on the subject, the Governor General in Council is pleased to issue the following directions :—

I.—When in any case the fee chargeable under the said Act is less than Rs. 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps bearing the words "Court-fees," at present in use, or adhesive stamps of any different shape, size or pattern, bearing the words "Court-fees," which may hereafter be issued for use, in supersession of, or in addition to, the adhesive stamps now in use.

II.—When in any case of the fee chargeable under the said Act amounts to or exceeds Rs. 10 such fee shall be denoted by impressed stamps bearing the words "Court-fees," adhesive stamps being only employed to make up fractions of less than Rs. 10.

III.—If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna, such fraction shall be remitted.

IV.—This Notification shall take effect on and after the 1st June, 1883.

[*See* Gazette of India, 1883, Pt. I, p. 189.]

No. 1494-S. R., dated the 29th March, 1895.—In exercise of the power conferred by section 26 of the [1]Court-Fees Act, VII of 1870, and in supersession of so much of paragraph I of the Notification in this Department No. 361, dated the 18th April, 1883, as authorised the use of the adhesive stamp, bearing the words "Court-fees," in use on the date of the notification for denoting the fee chargeable under the said Act, when in any case the fee is less than Rs. 10, the Governor General in Council is pleased to direct that in such cases the adhesive stamps to be used shall, with effect from the 1st July, 1895, be adhesive stamps of the size and pattern introduced in 1883, bearing the words "Court-fee" and containing three lines in the middle, with the Queen's head and the value printed on the left side.

[*See* Gazette of India, 1895, Pt. I, p. 265.]

[1] *See* the revised edition as modified up to 1st October, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court fees.

No. 4650 (Judicial Stamps), dated the 10th September, 1889.—Under section 35 of the Court-Fees Act, VII of 1870, and in supersession of all previous notifications under that section, it is hereby notified that, in exercise of the power to reduce or remit, in the whole or in any part of British India, all or any of the fees mentioned in the First and Second Schedules to the said Act, the Governor General in Council has been pleased to make the reductions and remissions hereinafter set forth, namely:—

A.—General for the whole of British India.

(1) to remit the fees chargeable on applications presented to a Collector for refund of the amount paid to the Government for stamped paper which has become spoiled or unfit for use, or is no longer required for use, and on applications for renewal of stamped paper which has become spoiled or unfit for use;

(2) to remit the fees chargeable on applications in writing relating exclusively to the purchase of salt which is the property of the Government;

(3) to direct that, when a plaint disclosing a reasonable case on the merits is presented to any Civil or Revenue Court in such a form that the presiding Judge or officer, without summoning the defendant, rejects it not for any substantial defect but on account of an entirely technical error in form only and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the District in which the Court is situated, together with a certificate from the Judge or officer who rejected the plaint that it was rejected under the circumstances above described, and that the value of the stamp should, in his opinion, be refunded;

(4) to remit the fees chargeable on—

(*a*) copies of village settlement-records furnished to landholders and cultivators during the currency or at the termination of settlement operations;

(*b*) lists of fields extracted from village settlement-records for the purpose of being filed with petitions of plaint in Settlement Courts:

Provided that nothing in this clause shall apply to copies of judicial proceedings, or to copies of village settlement-records (other than lists of fields extracted as aforesaid) which may be filed in any Court or Office;

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

[1](5) to declare that the fee chargeable on a plaint filed in a suit for possession of immoveable property under section 9 of the Specific Relief Act, I of 1877, shall be one-half of the amount prescribed in the scale of fees for plaints mentioned in article I of the First Schedule;

[2](6) to direct that the fee chargeable on appeal from orders under section 244 of the Code of Civil Procedure, Act XIV of 1882, shall be limited to the amounts chargeable under article II of the Second Schedule;

(7) to remit the fees chargeable on security bonds for the keeping of the peace by, or good behaviour of, persons other than the executants;

(8) to remit the fee payable under article I, clause (*c*), of the Second Schedule on an application or petition presented to a Chief Commissioner, when the application or petition is accompanied by a petition to the Government of India and contains merely a request that that petition may be forwarded to the Government of India;

(9) to remit the fees chargeable under articles 6, 7 and 9 of the First Schedule on copies furnished by Civil or Criminal Courts or Revenue Courts of Offices for the private use of persons applying for them:

Provided that nothing in this clause shall apply to copies when filed, exhibited or recorded in any Court of Justice or received by any public officer;

(10) to remit the fees chargeable, under paragraph 4 of clause (*a*) and paragraph 2 of clause (*b*) of article I of the Second Schedule, on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs. 25 in amount:

Provided that the application is made within three months of the date on which the deposit first became payable to the party making the application;

(11) to remit with reference to clause XI of section 19 of the Act the fees chargeable on applications for leave to occupy under direct engagement with the Government land of which revenue is settled, but

[1] Clause 5 is superseded by the amendment made in Art. 2 of Schedule I of the Court-Fees Act, 1870, by the Repealing and Amending Act, 1891 (XII of 1891), Schedule II.

[2] Clause 6, as it now stands, forms the subject of a separate notification issued in supersession of the original clause. It is inserted here as cl. 6 for convenience of reference; *see* Notification No. 4344-S.R., dated 6th October, 1893, Gazette of India, 1893, Pt. I, p. 575.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

not permanently, when made by persons who do not at the time of application hold the land;

(12) to remit the fees chargeable on applications for loans under the [1]Land Improvement Loans Act, XIX of 1883, or the [1]Agriculturists' Loans Act, XII of 1884;

(13) to remit the fees chargeable on an application made by a person to the Collector under the second paragraph of section 39 of the Indian Stamp Act, I of 1879, for the return to that person, or to the registration-officer who impounded it, of a document impounded and sent to the Collector by a registration-officer;

(14) to remit the fee chargeable on an application made for transfer of a stock-note from one circle to another under paragraph 6 of Resolution No. 2566, dated the 20th August, 1885;

(15) to remit the fees chargeable on the following documents, namely:

(*a*) copy of a charge framed under section 210 of the [2]Code of Criminal Procedure, 1882, or of a translation thereof, when the copy is given to an accused person;

(*b*) copy of the evidence of supplementary witnesses after commitment, when the copy is given under section 219 of the said Code to an accused person;

(*c*) copy or translation of a judgment in a case other than a summons case and copy of the heads of the Judge's charge to the jury, when the copy or translation is given under section 371 of the said Code to an accused person;

(*d*) copy or translation of a judgment in a summons-case, when the accused person to whom the copy or translation is given under section 371 of the said Code is in jail;

(*e*) copy of an order of maintenance, when the copy is given under section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid;

(*f*) copy furnished to any person affected by a judgment or order passed by a Criminal Court of the Judge's charge to the jury, or of any order, deposition or other part of the record, when the copy is not a copy which may be granted under

[1] *See* the revised editions as modified up to 1st September, 1906, and 1st February, 1903, respectively.

[2] *See* the Code as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

any of the preceding sub-clauses without the payment of a fee, but is a copy which on its being applied for under section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment;

(*g*) copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court;

(*h*) copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation, for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings;

(*i*) copies of judgments or depositions required by officers of the Police Department in the course of their duties;

(16) to direct that the fee chargeable—

(*a*) on an application to a Collector, or to any officer or person discharging all or any of the functions of a Collector with respect either to liability to assessment or to the amount of an assessment under Act II of 1886 (*an Act for imposing a tax on income derived from sources other than agriculture*) and

(*b*) on a copy of an order passed under section 26 of the same Act shall be limited to one anna;

(17) to remit the fee chargeable on an application presented by any person for the return of a document filed by him in any Court or public office;

(18) to direct that, when a part of an estate paying annual revenue to the Government under a settlement which is not permanent is recorded in the Collector's register as separately assessed with such revenue, the value of the subject-matter of a suit for the possession of, or to enforce a right of pre-emption in respect of, a fractional share of that part shall, for the purposes of the computation of the amount of the fee chargeable in the suit, be deemed not to exceed five times such portion of the revenue separately assessed on that part as may be rateably payable in respect of the share;

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

(19) to direct that, if the amount of the fee chargeable in any case involves a fraction of an anna, the fraction shall be remitted, except where otherwise expressly provided by this notification;

[1](19*a*) to remit the fee chargeable on an application for the grant of a license for the vend of stamps;

[2](19*b*) to direct that no court-fee shall be charged on an application for the repayment of a fine or of any portion of a fine the refund of which has been ordered by competent authority;

[3](19*c*) to remit the court-fees chargeable on applications for copies of documents detailed in clauses 4 and 15 *supra*.

B.—Special for the Presidency of Fort St. George only.

[4](20) to direct that the fees chargeable on the following documents filed in claims preferred under the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895), Regulation VI of 1831 (*Hereditary Offices*) shall be limited to the sum specified below against each, namely:—

Plaint, or petition for execution or memorandum of appeal to a Collector—eight annas;

Memorandum of appeal to the Board of Revenue—two rupees;

[5](21) to remit the fees chargeable (*a*) on copies of judgments, decrees or orders passed on claims preferred under Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895), Regulation VI of 1831 (*Hereditary Offices*); and (*b*) on applications filed by either party in the course of the trial of suit or appeals, or in the course of execution of decrees under the said Act;

(22) to remit the fees chargeable under the First Schedule on plaints in summary suits brought before Collectors under Madras Act VIII of 1865 (*An Act to consolidate and improve the laws which define the process to be taken for the recovery of rent*);

[1] Clause (19*a*) was inserted by Notification No. 4276-S.R., dated 23rd September, 1897, *see* Gazette of India, 1897, Pt. I, 864.

[2] Clause (19*b*) forms the subject of a separate Notification No. 3389-S.R., dated 6th August, 1896, *see* Gazette of India, 1896, Pt. I, p. 604, and is inserted here in this form for convenience of reference.

[3] Clause (19*c*) forms the subject of a separate Notification No. 1180-Exc., dated 24th February, 1905, *see* Gazette of India, 1905, Pt. I, p. 117.

[4] Clause 20 was substituted for the pre-existing clause by Notification No. 3449-S.R., dated 6th August, 1897, *see* Gazette of India, 1897, Pt. I, p. 696.

[5] Clause 21 was substituted for the pre-existing clause by Notification No. 3449-S.R., dated 6th August, 1897, *see* Gazette of India, 1897, Pt. I, p. 696.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

(23) to reduce the fees chargeable in suits by Government raiyats, for the recovery of land sold for arrears of revenue, to the amount which would be chargeable if the value of the subject-matter were only the rent of the land payable for the year next before the date of presentation of the plaint;

[1] (23*a*) to remit the fees chargeable under the said Act on applications made by toddy-drawers and shop-keepers for the grant of licenses permitting them or their servants to draw toddy from cocoanut and other palms.

[2] (23*b*) to remit the fees chargeable on certain applications made by cultivators of the hemp-plant (Cannabis Sativa or Indica) in the Madras Presidency.

C.—Special for the Bombay Presidency only.

(24) to remit the fees chargeable under the Second Schedule on agreements required by rule 75 of the rules made by the Governor of Bombay in Council under clause (*i*) of section 214 of the Bombay Land-revenue Code (Bombay Act V of 1879);

[3](25) to direct that the fee chargeable on a plaint presented under the Mamlatdars' Courts Act (Bombay Act III of 1876) shall not exceed eight annas;

(26) to reduce to a uniform rate of four annas per copy the fee chargeable under article 7 of the First Schedule on copies of decrees or orders having the force of a decree issued by Mamlatdars under the Mamlatdars' Courts Act (Bombay Act III of 1876);

(27) to remit the fees chargeable under article 1 of the Second Schedule on all applications made to a Collector or other Revenue-officer, or to the Chief Controlling Revenue-authority, by any of the undermentioned political pensioners, being the eldest sons or representatives of the *ex*-Amirs of Sindh and Sirdars of note:

Number and Names of Pensioners.

District.	
Karachi ...	1. Jam Murad Ali, son of Jam Mehr Ali, Jokia.
Hyderabad ...	1. His Highness Mir Hasan Ali Khan, son of Mir Nasir Khan, Talpur.
	2. His Highness Mir Nur Muhammad Khan, son of Mir Hasan Ali Khan, Talpur.
	3. His Highness Mir Fateh Khan, son of Mir Sher Muhammad Khan, Talpur.

[1] Clause (23*a*) forms the subject of a separate Notification and is inserted here for convenience of reference as a new clause, *see* Gazette of India, 1897, Pt. I, p. 525.

[2] Clause (23*b*) forms the subject of a separate Notification and is inserted here in that form for convenience of reference, *see* Gazette of India, 1901, Pt. I, p. 32.

[3] Clause (25) is superseded by the amendment made in Article 4 of Schedule II of the Court-Fees Act, 1870, by the Repealing and Amending Act, 1891 (XII of 1891).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

Shikarpur ...	1. Mir Imam Bakhsh Khan, son of Mir Muhammad Hassan Khan. 2. Mir Walidad Khan, son of Mir Muhammad Hasan Khan. 3. Mir Ahmed Khan, son of Mir Muhammad Hasan Khan. 4. Mir Fazl Hasan Khan, son of Mir Sohrab Khan. 5. 3rd Dehra of the late Mir Muhammad Hasan Khan. 6. 1st Dehra of the late Mir Sohrab Khan. 7. 2nd Dehra of the late Mir Sohrab Khan. 8. Mir Najaf Ali Khan, walad Mir Ali Akbar Khan. 9. Mir Abdul Kadir Khan, walad Mir Ali Akbar Khan. 10. Mir Ali Madad Khan, son of Mir Nasir Khan. 11. Mir Ali Ahmad Khan, walad Mir Nasir Khan. 12. Bibi Vilayat, 2nd Dehra of the late Mir Nasir Khan. 13. Chand Bibi, 3rd Dehra of the late Mir Nasir Khan. 14. Naz Bibi, 2nd Dehra of the late Mir Muhammad Ali Khan. 15. Mir Mubarak Khan, walad Mir Wali Muhammad Khan. 16. Mir Gul Hasan, walad Mir Wali Muhammad Khan. 17. Mir Khan Muhammad Khan, walad Mir Wali Muhammad Khan. 18. Mir Yar Muhammad Khan, walad Mir Wali Muhammad Khan. 19. Bibi Chana, 1st Dehra of Mir Wali Muhammad Khan. 20. Mir Ali Bakhsh Khan, walad Mir Fazl Muhammad Khan. 21. Mir Amir Bakhsh Khan, walad Mir Fazl Muhammad Khan. 22. Mir Gulam Murtaza Khan, walad Mir Chakar Khan. 23. Chief Dehra of the late Mir Ali Muhammad Khan. 24. 2nd Dehra of the late Mir Ali Muhammad Khan.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

(28) to remit the fees chargeable on plaints under section 16 of the Dekkhan Agriculturists' Relief Act, XVII of 1879, except in the district of Satara, where the said fees shall be reduced to one-half;

(29) to remit the fees chargeable in respect of the documents specified in the First or Second Schedule in the cases of suits for the redemption of mortgaged property when the plaintiff or, where there are several plaintiffs, any one of the plaintiffs is an agriculturist, and when such suits are instituted within [1] [any] districts of the Bombay Presidency in which the [2] Dekkhan Agriculturists' Relief Act, XVII of 1879, is [1] [for the time being] in force, except in the district of Satara, where the said fees shall be reduced to one-half;

(30) to remit the fees chargeable in respect of powers of attorney furnished to relatives, servants or dependants under section 68 of the Dekkhan Agriculturists' Relief Act, XVII of 1879;

(31) to remit the fees chargeable in respect of the documents specified in the First or Second Schedule in the case of suits instituted before village munsifs under chapter V of the Dekkhan Agriculturists' Relief Act, XVII of 1879;

(32) to remit the fees chargeable in respect of proceedings taken under section 19, second clause, of the Dekkhan Agriculturists, Relief Act, XVII of 1879;

(33) to remit the fees chargeable in respect of proceedings in matters relating to insolvency under chapter IV of the Dekkhan Agriculturists' Relief Act, XVII of 1879;

(34) to reduce to one-half the fees chargeable in the case of suits to which chapter II of the Dekkhan Agriculturists' Relief Act, XVII of 1879, applies except suits of the description mentioned in section 3, clause (*w*) or clause (*x*) of that Act to which an agriculturist is not a party.

Provided that, when the reduced fee amounts to a fraction of an anna, the fee chargeable shall be one anna;

(35) to remit the fees chargeable on copies of documents furnished by a Court of Session or the High Court in the Presidency of Bombay, or by the Sadr Court in Sind, to a pleader appointed by the Court to defend a person accused of murder;

[1] These words were altered and inserted respectively by Notification No. 2844-S.R., dated 23rd May, 1902, *see* Gazette of India, 1902, Pt. I, p. 387.

[2] *See* the Act as modified up to 1st June, 1905, published by the Legislative Department of the Government of Bombay.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

[1](35*a*) to remit the fees chargeable under Article 1, clauses (*b*) and (*c*) of schedule II on applications made to a Collector or other Revenue-officer or to any Chief Controlling Revenue or Executive authority for permission to cut and remove jungle wood for fuel or thorns for fencing from lands which are unalienated and unoccupied within the meaning of the Bombay Land Revenue Code;

[2](35*b*) to remit the fees chargeable on certified copies of entries in record-of-rights maintained under the Bombay Land Record of Rights Act, 1903 (Bombay Act IV of 1903), and on application for such copies when required for filing in Court under section 10 (*i*) of the Act.

NOTE.—For further special provisions affecting Bombay, *see* heading K. below.

D.—Special for Bengal only.

(36) to remit in the hill tracts of Chittagong all the fees mentioned in the First and Second Schedules;

(37) to declare that the proper fee to be charged upon an application to deposit in any Court rent, not exceeding the sum of fifteen rupees, shall be as follows:

	Proper fees.
If the amount deposited does not exceed Rs. 2-8 ...	One anna.
If the amount deposited exceeds Rs. 2-8 but does not exceed Rs. 5	Two annas.
If the amount deposited exceeds Rs. 5 but does not exceed Rs. 10	Four ,,
If the amount deposited exceeds Rs. 10 but does not exceed Rs. 15	Six ,,

Provided that no fee shall be chargeable on an application to deposit rent in respect of which a fee is chargeable under any rule framed under sub-section (*2*) of section 61 of the Bengal Tenancy Act, VIII of 1885.

[1] Paragraph (35*a*) forms the subject of a separate Notification, No. 2325-S.R., dated 1st June, 1893, *see* Gazette of India, 1893, Pt. I, p. 311, and is inserted here in this form for convenience of reference.

[2] This clause forms the subject of Notification No. 4353-S. R., dated 20th July, 1903, *see* Gazette of India, 1903, Pt. I, p. 604, and of Notification No. 5319-S. R., dated 3rd September, 1903, *ibid.*, p. 828, and is inserted here as clause (35*b*) for convenience of reference.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

[1](37*a*) to remit the fees chargeable on application by ryots in the Rajshahi district for licenses to cultivate the hemp plant;

[2](37*b*) to remit the fees chargeable on applications or petitions of objection referring to any entry made or proposed to be made in a draft record of rights prepared under chapter 10 of the Bengal Tenancy Act, 1885 (VIII of 1885), as amended by the Bengal Tenancy Act (Amendment) Act, 1898 (Bengal Act III of 1898): provided that such applications or petitions are presented before the publication of such draft record under section 103-A, sub-section (*1*) of the said Act.

[3](37*c*) to remit the fees chargeable on certified copies of entries in records of rights furnished in accordance with any rules for the time being in force under the Bengal Tenancy Act, 1885 (VIII of 1885), after the final publication of such records of rights under section 103-A (*2*) of that Act.

NOTE.—For further special provisions affecting Bengal, *see* heading K. below.

E.—Special for the Province of Agra only.

(38) to reduce to eight annas the fee chargeable on a copy of any number of entries in a settlement record relating to any one village in Kumaon or Garhwal;

(39) to remit the fees chargeable on all documents filed, exhibited or recorded in, or received or furnished by, the Court of the Special Judge appointed under the Jhansi Encumbered Estates Act, XVI of 1882;

(40) to remit the fees chargeable on all documents connected with the proceedings in the Court of the Commissioner under the Jhansi Encumbered Estates Act, XVI of 1882, except on memoranda of appeal and on applications for revision of any decision or order of the Special Judge under Chapter VI of the said Act;

(41) to direct that the fee chargeable on any appeal against a decision of the Special Judge under Chapter VI of the Jhansi Encumbered Estates Act, XVI of 1882, shall not exceed eight annas;

NOTE.—For further special provisions affecting the Province of Agra, *see* heading K. below.

[1] Clause (37*a*) forms the subject of a separate Notification, No. 1013-S. R., dated 3rd March, 1897, *see* Gazette of India, 1897, Pt. I, p. 177, and is inserted here in this form for convenience of reference.

[2] Clause (37*b*) forms the subject of a separate Notification, No. 321-S. R., dated 19th January, 1899, *see* Gazette of India, 1899, Pt. I, p. 31, and is inserted here in this form for convenience of reference.

[3] Clause (37*c*) forms the subject of a separate Notification, No. 4634-Exc., dated 17th August, 1905, *see* Gazette of India, 1905, Pt. I, p. 605.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

F.—Special for the United Provinces only.

[1](41*a*) to remit in the North-Western Provinces and Oudh the fees chargeable on—

(*a*) applications presented to the Collector or any other officer empowered in this behalf by occupier of land to cultivate the hemp plant;

(*b*) applications presented to the officers aforesaid by owners or occupiers of land on which the hemp plant grows spontaneously or by persons authorized by them in this behalf for licenses to collect and store such plant as *bhang*;

(*c*) applications presented to the officers aforesaid by farmers and licensed wholesale vendors of intoxicating drugs authorized in this behalf under arrangements made with the owners and occupiers of land on which the hemp plant grows spontaneously for licenses to collect the produce as *bhang* and to remove it for sale.

[2](41*b*) (*1*) to remit the fees payable on all documents, files, exhibited or recorded in, or received or furnished by, the Court of the Special Judge under the Bundelkhand Encumbered Estates Act, 1903 (U. P. Act I of 1903);

(*2*) to remit the fees payable on all documents connected with the proceedings in the Court of the Commissioner under the Act, except on memoranda of appeal and on applications for revision from orders of the Special Judge under Chapter VI thereof;

(*3*) to reduce the fee payable on any appeal against a decision of the Special Judge under Chapter VI of the Act.

Special for the North-West Frontier Province.

[3](41*c*) remitting the fees chargeable under section 35 of the Court-fees Act, 1870 (VII of 1870), on copies of all records maintained under Chapter IV of the Punjab Land-revenue Act, 1887 (XVII of 1887), as in force in the North-West Frontier Province when filed, exhibited or recorded in any Court of Justice or furnished by any public officer.

[1] Clause (41*a*) forms the subject of a separate Notification No. 3380-S.R., dated 7th August, 1896, *see* Gazette of India, 1896, Pt. I, p. 604, and is inserted here in this form for convenience of reference.

[2] Clause (41*b*) forms the subject of a separate Notification and is inserted here in this form for convenience of reference, *see* Gazette of India, 1902, Pt. I, p. 753.

[3] Clause (41*c*) forms the subject of a separate Notification No. 5481-S. R., dated 15th October, 1902, *see* Gazette of India, 1902, Pt. I, p. 753, and is inserted here in this form for convenience of reference.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

G.—Special for the Punjab only.

(42) to remit the fees chargeable on copies of orders or proceedings under section 37 of the Punjab Land-revenue Act, XVII of 1887, made or recorded by Collectors or other Revenue-officers engaged in revising a record-of-rights under a notification published in accordance with section 32 of the said Act :

Provided that the copy is furnished for the purpose of being filed with an application or petition to a Collector or other Revenue-officer engaged as aforesaid in revising a record-of-rights or to the Commissioner of the divison, or to the Financial Commissioner, Punjab, relating to matters connected with the assessment of land or the ascertainment of rights thereto, or interests therein, if presented previous to the final confirmation of such revision;

(43) to remit the fees chargeable on applications under section 97 of the Punjab Land-revenue Act, XVII of 1887, made by village officers in accordance with the provisions of rule 83 of the rules under that Act published with the Notification of the Punjab Government No. 76, dated the 1st March, 1888 ;

[1](43*a*) to remit in the territories administered by the Lieutenant-Governor of the Punjab the fees chargeable on plaints in suits brought against British subjects by Bhutanis ordinarily residing outside British India :—

(i) for the recovery of debts ;

(ii) appertaining to the custody of a woman, or

(iii) appertaining to inheritance.

[2](43*b*) to remit in the territories administered by the Lieutenant-Governor of the Punjab the fees chargeable on copies of all records maintained under the provisions of Chapter IV of the Punjab Land-revenue Act, 1887 (XVII of 1887), when such copies are exhibited or recorded in any Court of Justice or are received or furnished by any public officer.

NOTE.—For further special provisions affecting the Punjab, *see* heading K. below.

[1] Clause (43*a*) forms the subject of a separate Notification, No. 2807-S.R., dated 26th June, 1896, *see* Gazette of India, 1896, Pt. I, p. 604, and is inserted here in this form for convenience of reference.

[2] Clause (43*b*) forms the subject of a separate Notification, No. 4283-S. R., dated 6th August, 1902, *see* Gazette of India, 1902, Pt. I, p. 577, and is inserted here for convenience of reference.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*contd.*

H.—Special for Burma only.

[1](44) to remit the fees chargeable on the following documents furnished to cultivators, namely :

Certified copies of extracts from settlement or supplementary survey registers containing particulars of the holdings of cultivators ;

[1](45) to remit the fees chargeable in Upper Burma on plaints, applications, petitions and copies which are filed, exhibited or recorded in the Court of a circle officer, or in any Court presided over by a Thugyi or Myothugyi or which are received or furnished by a Thugyi or Myothugyi ;

Explanation.—For the purposes of this clause the expression "Thugyi or Myothugyi" includes any person, however designated, who in any part of Upper Burma occupies a position similar to that which is held in other parts by a Thugyi or Myothugyi ;

[2](46) to remit in Lower Burma the fees chargeable on applications presented under section 45 of the Burma Land and Revenue Act (II of 1876), by Revenue-officers with a view to the realization of arrears of revenue.

[3](46*a*) to remit in all parts of Burma, except the Shan States, the fees chargeable under section 35 of the Act, on applications presented to officers of land-revenue for the rectification of errors in the assessment of land-revenue

NOTE.—For further special provisions affecting Burma, *see* heading K. below.

I.—Special for the Central Provinces only.

[4] *(47) to direct that the fee chargeable on a petition of objection to assessment under Act XIV of 1867 (an Act to provide for the assessment of the Pandhari-tax in certain parts of the Central Provinces) shall, whatever may be the amount of the assessment to which the petition relates, be limited to one anna ;*

[1] These clauses were substituted for clauses 44 to 46 by Notification No. 4724-S. R., dated 22nd October, 1897, *see* Gazette of India, 1897, Pt. I. p. 956.

[2] Clause 46 forms the subject of a separate Notification, No. 2043-S. R., dated 22nd May, 1896. *see* Gazette of India, 1896, Pt. I, p. 379, and is inserted here in this form for convenience of reference.

[3] Clause (46*a*) forms the subject of a separate Notification, No. 4572-S. R., dated 2nd August, 1902, *see* Gazette of India, 1902, Pt. I, p. 613, and is inserted here in this form for convenience of reference.

[4] The Pandhari-tax Act has now been repealed and the tax abolished by Pandhari-tax Act (Amendment) Act, 1902, (VI of 1902). This clause is now obsolete.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Reductions and Remissions of Court-fees—*concld.*

[1] (47*a*) to remit the fees chargeable on applications presented to courts in the Central Provinces with reference to sections 257-A. and 258 of the [2]Code of Civil Procedure (Act XIV of 1882) in relation to awards made in the course of conciliation proceedings held with the sanction of the Local Government.

NOTE—For further special provisions affecting the Central Provinces see heading K. below.

K.—Special for the Bombay Presidency, Bengal, the North-Western Provinces and Oudh, the Punjab, Lower Burma, the Central Provinces, Ajmer and Coorg.

[3](48) *to direct that, whenever, upon payment of the full fee, a certificate of administration has been granted under* [4]*Act XL of 1858 (An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal), or Act XX of 1864 (An Act for making better provision for the care of the persons and property of Minors in the Presidency of Bombay) and a fresh certificate is for any reason subsequently granted in respect of the same estate, no fee shall be chargeable upon the fresh certificate so granted.*

NOTE—*For special provisions affecting Bombay, Bengal, the North-Western Provinces, the Punjab, Lower Burma and the Central Provinces see supra, headings C., D., E., F., G. and I., respectively.*

L.—Special for Assam only.

[5](49) to remit the duties chargeable on agreements or the counterparts of agreements in the course of arrangements made for the collection of land-revenue and cesses and on security bonds or mortgage deeds executed by persons who have entered into agreements to collect and pay in land-revenue and cesses or by their sureties to secure the due accounting for money collected by them under such agreements.

[*See* Gazette of India, 1889, Pt. I, p. 506.]

[1] Clause (47*a*) forms the subject of a separate Notification No. 4064-S.R., dated 25th July, 1904, *see* Gazette of India, 1902, Pt. I, p. 550.

[2] *See* he reprint as modified up to 1st December, 1899.

[3] Clause 48 is now obsolete.

[4] *See* now the Guardian and Wards Act, 1890 (VIII of 1890), General Acts, Vol. V.

[5] Clause 49 forms the subject of a separate Notification, No. 4598-S.R., dated 25th August, 1902, Gazette of India, 1902, Pt. I, p. 642, and is inserted here as a separate clause for convenience of reference.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE COURT-FEES ACT, 1870 (VII OF 1870)—*contd.*

Remission of duty on applications to cut wood in Bombay.

No. 2325-S.R., dated the 1st June, 1893.—In exercise of the powers conferred by section 35 of the Court-Fees Act (VII of 1870), the Governor General in Council is pleased to remit in the Presidency of Bombay the fees chargeable under Article 1, clauses (*b*) and (*c*) of Schedule II of the said Act on applications made to a Collector or other Revenue-officer, or to any Chief Controlling or Executive authority, for permission to cut and remove jungle-wood for fuel or thorns for fencing from lands which are unalienated and unoccupied within the meaning of the Bombay Land Revenue Code, 1879.

[*See* Gazette of India, 1893, Pt. I, p. 311.]

Remission of duty on applications under Chapter 10 of the Bengal Tenancy Act, 1885 (VIII of 1885).

No. 1013-S.R., dated the 3rd March, 1897.—In exercise of the powers conferred by section 35 of the Court-Fees Act (VII of 1870), the Governor General in Council is pleased to remit the fees chargeable under the said Act on applications made by raiyats in the district of Rajshahi in the territories administered by the Lieutenant-Governor of Bengal for licenses to cultivate the hemp plant.

[*See* Gazette of India, 1897, Pt. I, p. 177.]

Fees chargeable under section 244 (c) of the Code of Civil Procedure (Act XIV of 1882).

No. 4344-S.R. (Judicial Stamps), dated the 6th October, 1893.—In exercise of the powers conferred by section 35 of the Court-Fees Act, VII of 1870, and in supersession of the orders contained in clause (*6*) under heading A of the Notification in the Department of Finance and Commerce, No. 4650, dated the 10th September, 1889, the Governor General in Council is pleased to direct that the fee chargeable on appeals from orders under clause (*c*) of section 244 of the [1]Code of Civil Procedure (Act XIV of 1882) shall be limited to the amounts chargeable under Article II of the second Schedule to the Court-Fees Act, 1870.

[*See* Gazette of India, 1893, Pt. I, p. 575.]

[1] *See* the reprint of the Code as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE COURT-FEES ACT, 1870 (VII OF 1870)—*concld.*

Amendment of the Consolidated Notification under Act VII of 1870, clauses (4) and (15).

No. 1180-Exc., dated the 24th February, 1905.—In exercise of the power conferred by section 35 of the Court-Fees Act, 1870 (VII of 1870), the Governor General in Council is pleased to remit the fees chargeable under Schedule II of the said Act on applications for copies of the documents detailed in clauses (4) and (15) of the Notification of the Department of Finance and Commerce, No. 4650, dated the 10th September, 1889.

[*See* Gazette of India, 1905, Pt. I, p. 117.]

Remission of fees on applications connected with the cultivation of the Hemp plant.

No. 4385-S. R., dated the 19th August, 1901.—In exercise of the power conferred by section 35 of the Court-Fees Act, 1870 (VII of 1870), the Governor General in Council is pleased to remit the fees chargeable under the said Act on applications presented to officers of land-revenue for the suspension or remission of revenue on the ground that a crop has not been sown or has failed.

[*See* Gazette of India, 1901, Pt. I, p. 608.]

Remission of fees on applications for permits to transport country spirits.

No. 4260-S.R., dated the 12th December, 1901.—In exercise of the powers conferred by section 35 of the Court-Fees Act, 1870 (VII of 1870), the Governor General in Council is pleased to remit the fees chargeable under the said Act on applications made by distillers and warehouse-keepers in the Madras Presidency to the Excise Officer in charge of the distillery or warehouse for the issue of a permit for the transport of country spirits.

[*See* Gazette of India, 1901, Pt. I, p. 1030.]

Remission of fees on applications for the assistance of the Agricultural Department.

No. 6069-Exc., dated the 26th October, 1906.—In exercise of the powers conferred by section 35 of the Court-Fees Act, 1870 (VII of 1870), the Governor General in Council is pleased to remit the fees chargeable under the said Act on all applications and petitions presented to a Collector, or any Revenue-officer having jurisdiction equal or subordinate to a Collector, for advice or assistance from the Agricultural Department of the Province.

[*See* Gazette of India, 1906, Pt. I, p. 760.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

[1]THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870).

Inscription on coins issued after 1st January, 1877.

Dated the 1st January, 1877.—In exercise of the powers conferred by section 11 and section 28, clause (*2*), of the Indian Coinage Act 1870 (XXIII of 1870), the Governor General is pleased to direct that the inscription "Victoria Empress" shall be substituted for the inscription "Victoria Queen" on all coins coined under the said Act on and after the 1st January, 1877, and that the date of the calendar year, according to the Christian era, in which it is coined shall henceforth be put upon every such coin.

[*See* Gazette of India, 1877, Pt. I, p. 34.]

Copper coins issued from British Mints, and prohibition of re-issue of coins coined before Act XXI of 1835 came into force.

Resolution No. 207, dated the 17th January, 1879.—The Governor General in Council is not prepared to call in any copper coin, the produce of British Mints, however old its date. Such a copper coin may not unreasonably be regarded as a metallic token equivalent to a promise on the part of the British Government to account the coin at the value placed on it when it was originally issued.

2. Any copper coin, which can be recognised as the produce of a British Mint, should therefore be received freely as legal tender against the Government or by the Presidency Banks in payment of Government dues—

(1) if it bears the designation of any existing legal tender copper coin or multiple, or sub-division thereof—then at its nominal value;

(2) if it bears some obsolete designation, such as "cash" "dabs", or "faluses"—then at the rate of a-quarter-of-an-anna for every hundred grains troy of its weight.

3. But His Excellency in Council is pleased to resolve, in supersession of all previous orders to the contrary, that for the present, as an experimental measure, no copper coin coined before Act XXI of 1835 came into force shall be re-issued either by the Presidency Banks or from any Government treasury. The Comptroller-General should keep himself informed of the operation of these orders, and report if the quantity of copper coin withdrawn under them becomes inconveniently great. Meanwhile, all such coins which come into the *ex-officio* possession of any Government officer or of the Presidency Banks should be returned into store at the present depôt established under Resolution No. 884, dated 14th June, 1878.

[1] *See* now the Indian Coinage Act, 1906 (III of 1906).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd*

Copper coins issued from British Mints, and prohibition of re-issue of coins coined before Act XXI of 1835 came into force—*concld.*

4. The Comptroller-General will issue such orders as he may think fit for the effectual destruction of all such copper coins received at such depôts and sub-depôts; determining, in consultation with the Mint Masters, whether their destruction can be safely entrusted to the local officers, or whether the coin must be carried to the nearest mint and there destroyed. In either case, the metal should be sold as old copper.

5. The Comptroller-General will also report, for the approval of the Government of India, the measures which he proposes to adopt for passing through the public accounts the cost of withdrawing such obsolete coins.

6. The Comptroller-General will also report annually the amount and particulars of copper coin of the coinages before 1835 withdrawn under these orders.

7. For the convenience of the Banks and Treasury officers in giving effect to these orders, it is observed that only the following copper coins will henceforth be re-issued from any Presidency Bank or Government office:—

(1) Double-pice or half-an-anna.

(2) Pice or a-quarter-of-an-anna.

(3) Half-pice or one-eighth-of-an-anna.

(4) Pie or one-twelfth-of-an-anna.

The coins to be thus re-issued are of two descriptions:—

1st.—The device upon the obverse of those coined under Acts passed before Act XIII of 1862 is the armorial bearings of the East India Company with a year of the Christian era. Upon the reverse is a laurel wreath surrounding the designation of the coin in English and (except the older half-pice, which only bear the date 1853) Persian, and the words "East India Company" in English.

2nd.—The device upon the obverse of those coined under Acts XIII of 1862 and latter Acts is the effigy, name and title of the reigning Sovereign. Upon the reverse is a laurel wreath surrounding the designation of the coin in English over the word "India" and a year of the Christian era.

[Not published in Gazette.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Inscriptions on coins issued on and after 1st January, 1903.

No. 6447-S. R. A., dated the 5th December, 1902.—In exercise of the powers conferred by section 11 and section 28, clause (*2*) of the Indian Coinage Act, 1870 (XXIII of 1870), the Governor General in Council is pleased to direct as follows:—

(1) All silver coins coined under the said Act on and after 1st January, 1903, shall bear on the obverse of His Majesty King Edward VII and the inscription "Edward VII King and Emperor" and on the reverse the word "India" with the designation of the coins in English above and in Urdu below and with the year of coinage underneath. The embellishments on the reverse shall be a lotus wreath on either side surmounted by the Imperial Crown.

(2) All copper coins coined under the said Act on and after 1st January, 1903, shall bear on the obverse the likeness of His Majesty King Edward VII and the inscription "Edward VII King & Emperor."

[*See* Gazette of India, 1902, Pt. I, p. 878.]

Officers authorised to cut and break coin.

[1]*No. 664, dated the 13th February, 1891.*—1. In exercise of the power conferred by section 16 of the [2]Indian Coinage Act, 1870, and in supersession of Financial Notifications No. 57, dated 5th January, 1883, and No. 521, dated 29th January, 1889, the Governor General in Council is pleased to authorise the undermentioned officers to cut or break silver coin under that section:—

Extract from Act No. XXIII of 1870, India.

16. When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorised by the Governor General in Council or the Local Government to act under this section who has reason to believe it to have lost by reasonable wearing more than two per cent. in weight, or to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing, or to be called in by any proclamation, he may by himself or another (subject to the rules which the Governor General in Council prescribes in this behalf) cut or break such coin.

Cutting certain silver coin.

(1) Every officer in charge of a District Treasury.

[1] This notification and the four succeeding notifications which authorized officers and banks to cut and break silver coin were superseded by Notification No. 1448-A., dated the 8th March, 1907, printed *infra* under the Indian Coinage Act, 1906 (III of 1906).

[2] This Act has now been repealed by the Indian Coinage Act, 1906 (III of 1906 but the notification is kept in force by section 24 of the General Clauses Act, 1897 (X o 1897), General Acts, Volume VI.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Officers authorised to cut and break coin—*contd.*

(2) Every Assistant Collector, Deputy Collector, Assistant Commissioner or Extra Assistant Commissioner in charge of a Sub-Treasury.

(3) Every Commissioner, Deputy Commissioner and Assistant Commissioner of the Department of Paper Currency.

(4) The Mint Masters, Calcutta and Bombay.

(5) The Collectors of Customs at Calcutta and Chittagong.

(6) The Judges of the Courts of Small Causes at Calcutta and Sealdah.

(7) The Secretary and Treasurer of each of the Presidency Banks, and every agent in charge of a branch of any of the said Banks.

(8) The Secretary, Manager, or other principal officer of the several offices and agencies in India of each of the following Banks :—

Agra Bank, Limited ; Alliance Bank of Simla, Limited; Chartered Mercantile Bank of India, London, and China ; Chartered Bank of India, Australia, and China; Comptoir National d'Escompte de Paris ; Delhi and London Bank, Limited ; Hongkong and Shanghai Banking Corporation; National Bank of India, Limited; New Oriental Bank Corporation, Limited.

(9) The Chairman, Vice-Chairman and Secretary of—

the Commissioners for the Port of Calcutta, the Trustees of the Port of Bombay, the Trustees of the Harbour of Madras, the Trustees of the Port of Karachi, and the Commissioners for the Port of Rangoon ; and

(10) The Chairman, Vice-Chairman and Secretary of the Municipal Corporation of Calcutta ; the Municipal Commissioner and the Deputy Municipal Commissioner for the City of Bombay and the Secretary of the Municipal Corporation of the City of Bombay ; and the President, Vice-Presidents and Secretary of the Municipal Commissioners for the City of Madras.

2. And in exercise of the powers conferred by clauses (*4*) and (*10*) of section 28 of the same Act, the Governor General in Council is pleased to prescribe the following rules :—

Counterfeit or fraudulently reduced silver coin.

(1) When any silver coin purporting to be coined and issued under the authority of the Government of India is tendered to any officer authorised, by paragraph 1 of this Notification or by any order

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Officers authorised to cut and break coin—*contd.*

of a Local Government, to act under section 16 of the Indian Coinage Act, 1870, and the officer has reason to believe it to be counterfeit, or to have been reduced in weight otherwise than by reasonable wearing he shall cut or break such coin, and under section 17 of the said Act, return the pieces to the person tendering the coin.

Silver coin called in by proclamation.

(2) When any silver coin purporting to be coined and issued before 1st September, 1835, under the authority of the Government of India, is tendered to any such officer, he shall cut or break such coin, and, at the option of the person tendering the coin, return to him the pieces, or retain them and give credit for them at the rate of one rupee per tola (that is, 180 grains troy weight).

Rupee or half-rupee reduced by reasonable wearing.

(3) When any rupee or half-rupee purporting to be coined and issued under the authority of the Government of India on or after the 1st September, 1835, is tendered to any such officer who has reason to believe it to have lost by reasonable wearing more than 2 per cent. in weight, he shall receive such rupee or half-rupee at its full nominal value, but shall immediately cut or break it.

Quarter or eighth rupee reduced by reasonable wearing.

(4) A quarter-rupee or an eighth of a rupee issued by the Government of India should, when tendered to such an officer, be accepted under section 13 of the Act as legal tender for a fraction of a rupee, even though it may have lost, by reasonable wearing, more than two per cent. in weight; such a coin should not be withdrawn from circulation, unless, by reason of the obliteration of the device upon it, or for any other reason, it appears to be unfit for circulation, in which case it shall not be cut or broken, but shall be dealt with under rule (8) or rule (9), as the case may be.

Extract from Act No. XXIII of 1870.—India.

Rupees and half-rupees a legal tender.

13. The said rupee and half-rupee shall be a legal tender in payment or on account: Provided that the coin has not lost more than 2 per cent. in weight:

Provided also that it has not been clipped or filed, or defaced or diminished, otherwise than by use.

Four-anna and two-anna pieces.

The quarter-rupee and eighth of a rupee shall be a legal tender only for the fractions of a rupee, subject to the second proviso contained in this section.

Defaced silver coin.

(5) Silver coin issued by the Government of India, which has been defaced otherwise than by shroff marks, should not, when tendered to such an officer, be cut or broken, but should be returned to the tenderer.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Officers authorised to cut and break coin—*contd.*

Shroff marked silver coin.

(6) Silver issued by the Government of India which has been defaced or diminished only by shroff marks should, when tendered to such an officer, be received at its full nominal value; it should not be cut or broken but should be withdrawn from circulation and disposed of under rule (8) or rule (9) as the case may be.

Method of cutting and breaking.

(7) In cutting or breaking any coin, officers should avoid completely dividing it, as it is often convenient to identify the parts of a particular coin. Such identification becomes practically impossible if the pieces are wholly separated. Care should, however, be taken that the destruction is complete.

Cut, broken or withdrawn coin how disposed of by Government officers.

(8) Silver coin received by Government officers under these rules and withdrawn from circulation shall, whether or not it has been cut or broken under these rules, be sent by the first convenient opportunity to the Master of the Mint at Bombay or Calcutta, or to any principal Treasury appointed by the Accountant-General or Comptroller to receive such coin for remittance to the Mint. Such coin will be credited in the officer's cash balance as "uncurrent coin" at the actual value at which it has been received, and on transfer to the Mint will be credited at the rates prescribed in these rules, any loss incurred in re-coinage being taken as a charge of the Mint.

Cut, broken or withdrawn coin how disposed of by other than Government officers.

(9) Silver coin received by an officer other than a Government Officer under these rules and withdrawn from circulation should, whether or not it has been cut or broken under these rules, be sent to the nearest Government Treasury, where it will be paid for at the rates respectively prescribed in these rules, and thereafter it will be dealt with in the manner prescribed in rule (8).

[*See* Gazette of India, 1891, Pt. I, p. 97.]

[1]*No. 3513-A., dated 11th August, 1897.*—In exercise of the power conferred by section 16 of the Indian Coinage Act, 1870 (XXIII of 1870), and in continuation of paragraph 1 of the Notification in the Finance Department, No. [2]664, dated the 13th February, 1891, the Governor General in Council is pleased to authorise officers in charge of Military treasure chests to cut or break silver coin under that section.

[*See* Gazette of India, 1897, Pt. I, p. 730.]

[1] This Notification has recently been superseded by Notification No. 1448-A., dated the 8th March, 1907. It is printed at the end of Volume III of these Rules and Orders.

[2] *Supra*, p. 294.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Officers authorised to cut and break coin—*concld.*

[1]*No. 5598-A., dated 8th December, 1899.*—In exercise of the power conferred by section 16 of the Indian Coinage Act, 1870 (XXIII of 1870), and in modification of clauses (*1*) and (*2*) of paragraph 1 of the Notification in the Finance Department, No. [2]664 dated the 13th February, 1891, the Governor General in Council is pleased to authorise every officer in charge of a district treasury or sub-treasury to cut or break silver coin under that section.

[*See* Gazette of India, 1899, Pt. I, p. 1057.]

[1]*No. 4294-A., dated 24th September, 1897.*—In exercise of the power conferred by section 16 of the Indian Coinage Act, 1870 (XXIII of 1870), and in continuation of paragraph 1 of the Notification in the Finance Department, No. [2]664, dated the 13th February, 1891, the Governor General in Council is pleased to authorise the manager or other principal officer of the several offices and agencies in India of the Mercantile Bank of India, Limited, to cut or break silver coin under that section.

[*See* Gazette of India, 1897, Pt. I, p. 864.]

[1] *No. 2211-A., dated the 13th May, 1898.*—In exercise of the power conferred by section 16 of the Indian Coinage Act, 1870 (XXIII of 1870), and in continuation of paragraph 1 of the Notification in the Finance Department, No. [2]664, dated the 13th February, 1891, the Governor General in Council is pleased to authorise the manager or other principal officer of the several offices and agencies in India of the Commercial Bank of India, Limited, to cut or break silver coin under that section.

[*See* Gazette of India, 1898, Pt. I, p. 475.]

Assay certificates under section 16.

Resolution No. 1971, dated the 6th April, 1871.—The Governor General in Council is pleased now to declare that no assay certificate shall be required in respect of coins received under section 16 of the Indian Coinage Act, 1870, and that if the Mint Masters are so doubtful about any coin tendered to them under that section as to require an assay, they should decline to receive it, and force the holder to tender under section 19, paying duty.

[Not published in Gazette.]

[1] This Notification has recently been superseded by Notification No. 1448-A., dated the 8th March, 1907. It is printed at the end of Volume III of these Rules and Orders.

[2] *Supra*, p. 294.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints.

No. 3714-A., dated the 25th August, 1893.—In supersession of the rules published with Notification No. 1714, dated the 16th July, 1873, the Governor General in Council directs the publication for general information of the rules for the receipt of gold bullion and coin in the Mints of Calcutta and Bombay and the bye-laws of the Bullion Depôt of the said Mints hereunto appended:

RULES FOR THE RECEIPT OF GOLD BULLION AND COIN IN THE MINT.

General Rules.

1. The Mint is open for the receipt of gold bullion and coin between the hours of 10 A.M. and 3 P.M., Sundays and holidays excepted.

2. Gold bullion and coin must be tendered by the proprietor thereof in accordance with Form A or B, as the case may be, printed copies of which will be supplied by the Bullion Clerk of the Mint.

3. Gold bullion and coin brought to the Mint will be received by the Mint Master in accordance with the Notification of the Government of India, Finance and Commerce Department, No. 2662, dated the 26th June, 1893, which is as follows:

"The Governor General in Council hereby announces that until further orders gold coins and gold bullion will be received by the Mint Masters of the Calcutta and Bombay Mints, respectively, in exchange for Government rupees, at the rate of 7·53344 grains troy of fine gold for one rupee, on the following conditions:

(1) Such coin or bullion must be fit for coinage.

(2) The quantity tendered at one time must not be less than 50 tolas.

(3) A charge of one-fourth per mille will be made on all gold coin or bullion which is melted or cut so as to render the same fit for receipt into the Mint.

(4) The Mint Master, on receipt of gold coin or bullion into the Mint, shall grant to the proprietor a receipt which shal entitle him to a certificate from the Mint and Assay Masters for the amount of rupees to be given in exchange for such coin or bullion payable at the General (Reserve) Treasury, Calcutta or Bombay. Such certificates shall be payable at the General Treasury after such lapse of time from the issue thereof as the Comptroller-General may fix from time to time."

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints—*contd.*

Rules relating to Sovereigns and Half-Sovereigns.

4. Sovereigns and half-sovereigns coined at the Royal Mint, or any authorised branch thereof, will be received at the Mint by weight, but without melting or assay, whether they are above or below current weight. The charge of one-fourth per mille for melting will accordingly not be made in the case of these coins.

5. On arrival at the Mint, such coins will be taken to the Bullion Clerk of the Mint for examination, weighment, and registry.

6. On delivery of such coins into the Mint, the Mint Master will give the proprietor a certificate in Form C. A notice will be hung up in the bullion office for indicating the period after which such certificate will be payable at the General (Reserve) Treasury.

Rules relating to Gold Bullion and Coin other than sovereigns and half-sovereigns.

7. Gold bullion and coin, other than sovereigns and half-sovereigns (hereinafter called gold bullion), tendered at the Mint, must on arrival be taken to the bullion depôt of the Mint, where it will remain in deposit until it is required for melting.

8. Gold bullion must be melted in the melting room of the Mint under the superintendence of the Mint melting establishment to render the same fit for the receipt into the Mint.

9. Gold bullion will be melted and otherwise dealt with in accordance with the bye-laws of the Mint bullion depôt annexed to these rules. After the gold bullion has been melted, the resulting ingots will be taken for weighment and registry to the First Assistant to the Mint Master in the Bullion office of the Mint.

10. Until such weighment is made, the gold bullion is in the custody and at the sole risk of the proprietor thereof, to whom every facility will be afforded for securing it in the strong-room appropriated for this purpose.

11. The Mint Master on the delivery of the gold bullion into the Mint will grant to the proprietor a receipt in Form D.

12. Should gold bullion after being melted prove unfit for coinage, it shall be returned to the proprietor on his paying the melting charge specified in paragraph 3 of Government of India Notification No. 2652, dated the 26th June, 1893, and a fee of Rs. 4 for each assay if the gold was subjected to assay.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints —*contd.*

13. On completion of melting or assay, the Mint Master will deliver to the proprietor a certificate in Form E from the Mint and Assay Masters on his surrendering the receipt in Form D given to him under rule 11. A notice will be hung up in the bullion office indicating the period after which such certificate will be payable at the General (Reserve) Treasury.

14. The proprietor of any gold bullion who, being dissatisfied with the Assay Master's report of its fineness, wishes to withdraw such bullion can do so within twenty-four hours of his receipt of the certificate in Form E on repayment of a fee of Rs. 4 for each assay and the charge for melting, and on surrender of the said certificate.

15. Gold bullion in the course of receipt by the Mint may be transferred by the original proprietor to another on his signing a letter in Form F to the Mint Master notifying the transfer and paying Rs. 4 for each transfer. Such transfer will be recognised on the transferee re-tendering such bullion or coin in a letter in Form G. If the receipt in Form D has been already given to the original proprietor, it should be surrendered and another receipt in Form D will then be given to the transferee.

BYE-LAWS OF THE MINT BULLION DEPÔT.

External.

1. All tenders of geld bullion and coin should specify either the number of sovereigns and half-sovereigns or the number of parcels of gold bullion and coin other than sovereigns and half-sovereigns (hereinafter called gold bullion), and in either case the approximate weight of the whole amount of the tender.

2. The tenders should be numbered in the order of delivery into the bullion depôt when all sovereigns and half-sovereigns or parcels specified in the tender are brought in. When a portion only is brought in, the tender should be numbered after the delivery of the number of coins or parcels specified is completed.

3. The gold bullion and sovereigns and half-sovereigns tendered should be delivered by the authorised agent, who will see the locking up of the parcels or coins in the strong room of the depôt.

4. The tenders will be dealt with according to priority of numbers if the authorised agent be in attendance, if not, the next in succession, having an agent in attendance, will be taken in hand. The order of succession only applies to the gold taken out for melting.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints—*contd.*

5. Importers sending two or more invoices of gold bullion with only one tender are to understand that their agents alone will be responsible for keeping the gold bullion belonging to each invoice separate; but if the gold bullion of each invoice be separately tendered care will be taken to keep each parcel distinct.

6. Proprietors are distinctly to understand that their agents are to satisfy themselves as to the accuracy of the weighments in the bullion office of their sovereigns and half-sovereigns and of their gold bullion after melting. If the proprietor's agent should observe anything either in the beam or in the method of weighing that he disapproves, he should make it known at once, and every facility will be given him to make the necessary corrections. Proprietors must therefore look only to their agents for explanation if any discrepancy should occur between the invoice and the Mint weighments.

7. *Registry of Bullion.*—Proprietor's gold bullion, after having been melted and when ready for registry, will be taken into the bullion office; and after the bullion has been registered, proprietors, agents, durwans, etc., are to go out through the Mint gate at the warder's lodge.

8. The spillage resulting from the gold bullion will, if the proprietor wishes it, be carefully worked up, if possible once a fortnight, by the establishment of the bullion depôt at the risk and responsibility and on behalf of the proprietors, to each of whom an account showing the value thereof obtained by proportional distribution of the whole, is to be rendered and the amount paid by cash or cheque on the Bank of $\frac{\text{Bengal}}{\text{Bombay}}$.

9. *Passes.*—All passes for gold bullion required to be sent out of the bullion depôt, whether gold spillage from the melting room or bullion rejected by the Mint previous to registry or withdrawn by proprietors, will be made out by the bullion clerk and sent to the Mint Master for his signature, and then delivered to the proprietors' agents for the endorsement of the proprietors. Thereafter the bullion will be passed out through the Mint gate at warder's lodge.

10. Proprietors will not be required in addition to the one-fourth per mille charged by the Mint to pay any other charges, such as for gunny-bags or cooly hire after the gold bullion has been once taken into the strong room Gold spillage will be removed at the expense of the proprietors.

11. Proprietors may have guard at the strong-room door during working hours if they choose, as their treasure is in deposit at their risk.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints—*contd.*

12. Gold bullion once rejected by the Mint as unfit for coinage shall not again be received for the purpose of being melted without the special authority of the Mint Master.

FORM A.

Tender of gold bullion.

To

THE MASTER OF HER MAJESTY'S MINT, $\frac{\text{Calcutta}}{\text{Bombay}}$.

SIR,

Be pleased to receive into the Bullion Depôt for the purpose of being melted and assayed at $\frac{\text{my}}{\text{our}}$ sole risk and expense,_____ parcels of gold as detailed below, weighing approximately tolas _____ (tolas _____) in the aggregate, and to grant your receipt in accordance with the rules of the Mint entitling $\frac{\text{me}}{\text{us}}$ to receive a certificate of value in rupees payable at the General (Reserve) Treasury, $\frac{\text{Calcutta}}{\text{Bombay}}$, for all such portion of the gold tendered as shall be found hereafter fit for coinage.

The bullion will be delivered to you by _____ who is authorized to superintend its melting on $\frac{\text{my}}{\text{our}}$ behalf, and who will attend for that purpose at such times as may be appointed.

Description of gold.	*Weight in tolas.*
Total ...	

The 189 } Yours obediently,

Pass into the Mint.

Master of the Mint.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints—*contd.*

FORM B.

Tender of Sovereigns and Half-Sovereigns.

To

THE MASTER OF HER MAJESTY'S MINT, $\frac{\text{Calcutta}}{\text{Bombay}}$.

SIR,

Be pleased to receive into the Bullion Depôt of the Mint _____ _____(_____) sovereigns and _____ ( ) half-sovereigns weighing approximately tolas _____(tolas), and, in accordance with the Rules of the Mint, to grant $\frac{\text{me}}{\text{us}}$ a certificate of value in rupees payable at the General (Reserve) Treasury, $\frac{\text{Calcutta}}{\text{Bombay}}$.

Yours obediently,

The 189 .

FORM C.

I hereby certify that the sum of Rs. ( ) Rupees is payable ( )_____ days after date at the General (Reserve) Treasury, $\frac{\text{Calcutta}}{\text{Bombay}}$, to_____ _____or order, on account of ( ) _____ sovereigns and ( ) _____half-sovereigns, weighing in the aggregate _____ ( ) grains, received into the Mint this day.

HER MAJESTY'S MINT;

The 189 .

Master of the Mint.

FORM D.

Received this day, the_____ 189 , from_____( )_____(parcel) of gold, stated to weigh approximately tolas_____ (tolas_____), for the purpose of being melted and assayed in order to entitle $\frac{\text{him}}{\text{them}}$ to a certificate from the Mint and Assay Masters for the value of the gold, payable in rupees at the General (Reserve) Treasury, $\frac{\text{Calcutta}}{\text{Bombay}}$, in accordance with Government of India Notification No. 2662, dated the 26th June, 1893.

Bullion Clerk.

Master of the Mint.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints—*contd.*

FORM E.

HER MAJESTY'S MINT, CALCUTTA./BOMBAY.

Certificate No. , dated 189 .

I hereby certify that in the case of each ingot of gold specified below, I have on assay found it to be of the fineness shewn opposite to the Mint Register number.

HER MAJESTY'S ASSAY OFFICE; the 189 . } *Assay Master.*

Mint Register No.	Description of gold.	Weight in tolas.	Fine gold per mille.	Weight of fine gold in grains troy.

Total weight of fine gold in grains troy ... ... ____

Less melting charge (at one-fourth per mille) in grains troy. ____

Net amount of fine gold in grains troy ... ... ____

Value in rupees at Re. 1 per 7·53344 grains troy ... ____

I hereby certify that the sum of Rs. _____ is payable _____ days after date at the General (Reserve) Treasury, Calcutta/Bombay, to _____ or order, and in full/part of Mint receipt No. _____, dated _____ on account of _____ parcels of gold received from him/them.

Examined by

Accountant.

Mint Master.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints—*con td.*

FORM F.

To

THE MASTER OF HER MAJESTY'S MINT, CALCUTTA / BOMBAY.

SIR,

I/We_____ being the depositor of ( )_____parcel of gold, weighing approximately tolas _____(tolas_____) in the aggregate, which was/were tendered (or delivered) to the Mint on the_____day of_____189 , do hereby notify that I/we have already transferred my/our right, title, and interest in the subject-matter of the above mentioned deposit to _____, and I/we do hereby declare my/our desire that the said_____ shall stand in my/our place as the depositor thereof. I/We hereby authorise you to hold the same or the value thereof according to the rules of the Mint for the receipt of bullion or coin to the order of the said_____ _____, and in all respects to deal with him/them as the owner of the said deposit.

The 189 . } Yours obediently,

Master of the Mint.

Record.

FORM G.

THE MASTER OF HER MAJESTY'S MINT, CALCUTTA / BOMBAY.

SIR,

Be pleased to receive into the bullion depôt for the purpose of being melted and assayed at my/our sole risk and expense ( )_____ parcel of gold, weighing approximately tolas _____(tolas_____) in the aggregate, originally tendered to the Mint by_____, who has/have transferred his/their right, title, and interest in it to

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for the receipt of gold bullion and coin in the Mints—*concld.*

me/us to receive a certificate of value in rupees payable at the General (Reserve) Treasury, Calcutta/Bombay, for all or such portion of the gold as shall be found hereafter fit for coinage.

The bullion will be delivered to you by_____ who is authorised to superintend its melting on my/our behalf, and who will attend for that purpose at such times as may be appointed.

The 189 . } Yours obediently,

Pass into the Mint.

Master of the Mint.

[*See* Gazette of India, 1893, Pt. I, p. 494.]

Orders as to receipt by Mints of worn coins.

No. 1910, dated the 29th March, 1877.—The Governor General in Council is pleased to authorise the Mint Masters to receive in parcels of not less than one thousand tolas each silver coin coined and issued under the authority of the Government of India which have lost by reasonable wearing more than two per cent. in weight or have been called in by proclamation, or are from any other reason no longer a legal tender in payment or on account, and to pay for the same by order on the Presidency Bank of Bengal or Bombay as the case may be, at the rate of one rupee per tola.

[*See* Gazette of India, 1877, Pt. I, p. 180.]

Calling in of silver coins before 1st September, 1835.

No. 2466, dated the 7th December, 1877.—In exercise of the power conferred by section 28 of [1]The Indian Coinage Act, 1870, the Governor General in Council is pleased to call in, with effect on and from the 1st day of June, 1878, all silver coins coined and issued by the authority of the Government of India before the 1st day of September, 1835.

2. Until the said 1st day of June, 1878, such of the coins called in by this Notification as are now legal tender will continue to be legal

[1] This Act is now repealed by the Indian Coinage Act, 1906 (III of 1906), but the Notification is kept in force by s. 24 of the General Clauses Act, 1897 (X of 1897), General Acts, Volume VI.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Calling in of silver coins before 1st September, 1835—*concld.*

tender in payment or on account, under the conditions which now apply to them, and on demand, current coins of recent date will be given in exchange for the same at any Government Treasury, or at the Presidency Banks and their branches.

3. On and from the said 1st day of June, 1878, all silver coins so called in will cease to be legal tender, and, if tendered to any officer authorised to act under section 16 of the said Indian Coinage Act, 1870, will be dealt with in accordance with the provisions of that section.

[*See* Gazette of India, 1877, Pt. I, p. 718.]

Explaining above notification.

No. 1798, dated the 19th July, 1878.—The following Resolution is published for general information :—

Resolution.—The Governor General in Council is pleased to explain that the coins called in by Notification No. 2466, dated 7th December, 1877, were only those coined under Acts passed before Act XVII of 1835, and that coins coined under Act XVII of 1835, or subsequently, have not been called in, and continue to be legal tender in satisfaction of all engagements in the manner and to the extent specified in the said Act.

[*See* Gazette of India, 1878, Pt. I, p. 441.]

Extending period during which silver coins coined and issued before 1st September, 1835, shall continue to be legal tender in the case of Guaranteed Railway Companies.

No. 202, dated the 26th April, 1878.—The following Resolution is published for general information :—

Resolution.—The Governor General in Council is pleased to direct that the period during which silver coins coined and issued under the authority of the Government of India before 1st September, 1835, shall continue to be legal tender to the Government, be extended in the case of the Guaranteed Railway Companies, to the 1st July, 1878.

[*See* Gazette of India, 1878, Pt. I, p. 281.]

Sale of old double pice in stock.

No. 3383, dated the 25th October, 1880.—Resolution.—The Governor General in Council observes that there is at present a large stock of double pice in the copper coin depôts for which there is practically no demand.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Sale of old double pice in stock—*concld.*

Accordingly His Excellency in Council directs that these double pice be broken up and sold as copper, and that till further orders no double pice be coined at the mints.

Rules for dealing with defaced silver coins.

No. 2776, dated the 6th September, 1878.—Resolution.—Under the [1]Indian Coinage Act, 1870, silver coins of British India, which have been clipped, or filed, or defaced, or diminished otherwise than by use, are declared not to be legal tender.

2. The same Act provides that certain authorities may cut or break silver coins tendered to them, which have been reduced in weight otherwise than by reasonable wear, returning the pieces to the person tendering the coin.

3. The practice of marking, notching, and filing or otherwise injuring the coin, being still more or less prevalent in some parts of India, and it being necessary in order to secure conformity with the provisions of the law, to repress such practices as far as practicable, the Government of India is pleased to issue the following orders.

4. In those Provinces in which the Local Government shall be of opinion that the provisions of the law may be strictly enforced without causing undue pressure on the community, the following measures shall be adopted :—

A. The Presidency Banks, and their branches, and all public Treasuries shall, with convenient despatch, cause all shroff-marked, notched or otherwise defaced silver coin in their custody which has not lost more than two per cent. weight, to be exchanged, at the nearest Currency Office, for Notes or legal coin. The Currency Offices will transmit the defaced coin, thus received with any similarly defaced coin in the Currency Reserve, to the nearest Mint, to be exchanged for legal coin. No shroff-marked, notched or otherwise defaced silver coin shall henceforth be issued from any Public Treasury.

B. The Mint will receive, at their nominal value, all such coins, and bear the expense of their re-coinage.

C. After a reasonable delay, to be determined by the Local Government and to be notified for general information, no such defaced coin shall be received in payment of Government demands.

[1] This Act has now been repealed by the Indian Coinage Act, 1906 (III of 1906), but the Notification is kept in force by s. 24 of the General Clauses Act, 1897 (X of 1897), General Acts, Volume VI.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for dealing with defaced silver coins—*contd.*

D. The officers authorised so to do under the Indian Coinage Act should cut, or break, in pieces, any such defaced coin tendered to them, the weight of which shall have been reduced otherwise than by reasonable wear; the broken pieces being returned to the person who tendered the coin.

E. If such defaced coin is not so reduced in weight as to justify its destruction, the officer to whom it is tendered, should offer to accept it at the rate of one rupee per tola of its actual weight; and coin so accepted should be exchanged at the nearest Currency Office, as before directed, with a view to its re-coinage.

5. In Provinces in which the Local Government shall be of opinion that the foregoing Rules C and D should not be immediately enforced, the following procedure shall apply:—

F. Rules A, B, and E will be carried out as in the other case.

G. Notice should be publicly given in the principal towns and bazars of the Province, that the practice of notching, or marking, or otherwise defacing, the coin renders it liable to be rejected by every one on tender for payment; and that it is the intention of the Government to refuse such coin in payment of public demands, after a reasonable time has elapsed within which the defaced coin can be exchanged for legal coin; that defaced coin, which has lost weight otherwise than by reasonable wear, if tendered at a Public treasury, will be liable to be cut or broken: and that the Government will enforce the law on this subject, at some future time which cannot be long delayed.

H. After a reasonable delay, to be determined by the Local Government, and to be notified for general information, no public officer should receive, in payment of Government demands, coins which have been greatly defaced, even though they have not lost so much weight as to cease to be a legal tender on that account.

I. The application of Rule D shall be so far modified, that only such coins shall be cut or broken as are notably reduced in weight otherwise than by reasonable wear.

6. The Local Governments will, from time to time, issue such instructions for the guidance of officers, in giving effect to Rules H

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for dealing with defaced silver coins—*concld.*

and I, as they may think suitable to local circumstances, bearing in mind the importance of gradually eradicating the practice of defacing the coin.

7. In those Provinces in which Rules C and D are not enforced, special reports should be prepared yearly, for submission to the Government of India in the Finance Department, as to the condition of the coin in the public Treasuries, and as to the progress made in suppressing the defacement.

8. The Currency Department should, for the present, report monthly the amount and description of coins received for re-coining, under the operation of this Resolution, with a Statement of the provinces from which they were received.

[*See* Gazette of India, 1878, Pt. I, p. 560.]

Rules for withdrawing shroff-marked coins from circulation.

Resolution No. 2432, dated the 17th August, 1881.—The Governor General in Council now considers it necessary that the process of withdrawing shroff-marked coins from circulation should everywhere be begun again.

2. Accordingly His Excellency in Council directs that all Government Treasuries (including those of the Punjab) shall, for the present, receive at full value all genuine coin which has not been diminished by fraudulent means or has been diminished only by what are ordinarily known as shroff-marks.

3. No such coins shall be re-issued from a Government treasury. They should be separated into an uncurrent balance and disposed of under instructions from the Accountant-General, to whom a monthly report of the amount thus set apart must be made.

4. The Accountant-General will send in his consolidated report to the Comptroller-General, who will watch the progress of the purification of the coinage in each province, and determine in each case the time after which shroff-marked coins can expediently be dealt with, as required by law.

5. The Governor General in Council further directs that when in any province it is decided no longer to accept shroff-marked coins at full value, officers of Government authorised to receive money must exercise due and intelligent care in the receipt or rejection of suspicious coin. The Government of India will not call upon such officers to bear the loss upon any such coin which they may have accepted *bonâ fide* in behalf of Government, provided it appears that they have

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Rules for withdrawing shroff-marked coins from circulation—*concld.*

exercised proper discretion. On the other hand, they must be careful not to reject coin which may be good for all purposes, though accidentally marked in some trifling way.

[*See* Gazette of India, 1881, Pt. I, p. 337.]

Withdrawal of all copper coin issued before Act XXI of 1835 came into force.

No. 3733, dated the 12th December, 1873.—The Hon'ble the President in Council observes that if the Government Treasury in Calcutta had been in the charge of an officer of the Government, it would have been his duty, before sending copper coin into the interior to have had every bag carefully examined in order to the withdrawal of all coin issued before Act XXI of 1835 came into force, as well as of all coin issued under that or subsequent Acts which showed any considerable signs of wear.

2. This duty must be held to devolve upon the Presidency Banks whenever they act as bankers for the Government.

3. The President in Council does not doubt that these institutions will cordially co-operate with the Government in measures for maintaining the quality of the copper coinage. The banks should accordingly be requested while freely receiving all copper coin, however greatly worn, that bears any trace of Government mintage, to take effective steps to prevent the payment to the public, whether in the course of their own business or on Government account, of any copper coin that has not previously been examined in detail and found fit for re-issue

4. Similar measures should be taken at every Government treasury.

5. The Currency Department already assists in maintaining the quality of the copper coin in circulation by issuing good coin in exchange for silver. The exchange of picked for worn coin in small quantities should also be undertaken by the department.

[Not published in the Gazette.]

Supply of copper coin to Native States.

No. 4791, dated the 7th November, 1882.—Resolution.—In supersession of the Resolution cited above, the Governor General in Council is pleased to declare that in future British copper coin* shall be supplied by the Comptroller-General on application to all Native States at its nominal value, less the cost of conveyance from the place of supply to the place where it may be required.

* In the term 'British Copper Coin' are included single pice, half pice and pies, but not double pice, which are no longer coined.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*contd.*

Supply of copper coin to Native States—*concld.*

2. The supply of copper coin to Native States shall be subject to the following conditions :—

(*a*) Each Native State shall only be supplied with copper coin to the extent of its reasonable requirements for the purpose of its own currency.

Each indent will require the approval of the Political Officer concerned.

(*b*) Each Native State shall be bound not to issue the copper coin at a rate below par.

3. British Indian copper will not, as a rule, be specially coined for Native States, but will be supplied from the nearest depôt at which such coin is available.

4. The Government will always receive back copper coin from a Native State into the nearest depôt at its nominal value to the extent to which such coin may have been supplied to such State under the terms of this Resolution ; but copper coin in excess of that amount supplied at cost price under the Resolution now superseded will only be received back at the price at which it was issued.

[1]5. The cost of transport to the depôt when coin is returned will fall upon the Native State.

[Not published in the Gazette.]

Procedure as to reception in Mints of fraudulently altered coins and uncurrent silver.

No. 6098, dated the 4th December, 1889.—The Governor General in Council considers it sufficient (*as to reception by the Mint Master of fraudulently altered coins and uncurrent silver*) to direct the adoption of the following procedure:—

(*a*) Examiners of State Railway Accounts will present to the Treasury all light coin for which, under departmental rules, the Station Staff is not held responsible.

(*b*) The Treasury Officer will cut those coins which fall under Rule 1 of the Notification in this Department, No. 57, dated the 5th January, 1883, and return them to the Examiner

[1] Inserted by Resolution No. 420, dated 23rd January, 1883, not published in Gazette.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COINAGE ACT, 1870 (XXIII OF 1870)—*concld.*

Procedure as to reception in Mints of fraudulently altered coins and uncurrent silver—*concld.*

who, in his turn, will remit them direct to the Mint, which will receive them in accordance with the authority conveyed in paragraph 3 of this letter.

(*c*) The Treasury Officer will give full credit for coins which fall under Rule 2 of the Notification referred to above (as modified by the penultimate paragraph of the same Notification), and remit them, after cutting them under the orders of the Accountant-General concerned, either to the Currency Department, to another Treasury or to the Mint direct.

2. The Governor General in Council authorises the Mint Master to receive as bullion, under section 19 of the Indian Coinage Act, (1) coin remitted to him by Examiners of State Railway Accounts, which has been cut by the Treasury Officer under Rule 1 of the Notification in this Department dated the 5th January, 1883, and (2) coin remitted by Treasury Officers which has been received under Rule 2 of the Notification, even though the weight tendered is less than 1,000 tolas.

3. The Governor General in Council also authorises the Railway authorities to write off the loss in cases in which they consider the reduction of the weight in the coin to be such as would not be detected with reasonable care in the ordinary course of business.

[Not published in Gazette.]

Cessation of reception of silver bullion for coinage.

Dated the 26th June, 1893.—Sections 19 to 26 inclusive of the Indian Coinage Act, 1870 (XXIII of 1870), having been repealed by the Indian Coinage and Paper Currency Act, 1893, it is hereby notified that silver bullion tendered to the Mint for coinage will no longer be received. The terms on which gold will be received at the Mint are specified in Notification No. 2062, dated 26th June, 1893, published in the *Gazette of India, Extraordinary,* of the same date.

Forms of tendering gold bullion or coin can be obtained at the Mint on application.

[*See* Gazette of India, 1893, Pt. II, p. 559.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SPECIAL MARRIAGE ACT, 1872 (III OF 1872).

Transmission of returns under the Special Marriage and Parsi Marriage and Divorce Acts, 1865 and 1872, to Registrars-General under Act VI of 1886.

Resolution No. $\frac{6}{1074\text{-}85}$ (*Judicial*), *dated the 9th August, 1889.*—In exercise of the powers conferred by section 13A of Act III of 1872 (*to provide a form of marriage in certain cases*), and section 8A of the Parsi Marriage and Divorce Act, 1865, the Governor General in Council is pleased to issue the following orders:—

Copies of entries in the Marriage Certificate Book prescribed in section 13 of Act III of 1872 and in the Register of Marriages referred to in section 6 of the Parsi Marriage and Divorce Act, 1865, which Registrars* under these Acts are required to send to the Registrars-General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886, shall be certified in the form set forth in the following schedule, and shall be sent at intervals of three months, on or as nearly as possible after the 1st January, April, July and October in each year.

* Except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay under Act XV of 1865.

Should no entries be made in a Marriage Certificate Book, or a Register of Marriages, as the case may be, during the preceding three months, a certificate to this effect shall be sent to the Registrar-General concerned.

SCHEDULE.

Form of Certificate of truth of copies of entries in Marriage Certificate Book under Act III of 1872 (or Register of Marriages under the Parsi Marriage and Divorce Act, 1865, *as the case may be*) *to be sent to Registrar-General.*

Certified that the above, which contains entries from No._____ regarding_____to No._____regarding_____, is a true copy of all the entries in the Marriage Certificate Book under Act III of 1872 (*or* Register of Marriages under Act XV of 1865, *as the case may be*) kept by me for the three months ending the_____day of_____ 18_____

Dated the_____of

(*Signature.*)

Registrar of Marriages under Act III of 1872 (*or* Registrar under the Parsi Marriage and Divorce Act, 1865, *as the case may be*) for (*local area*).

[*See* Gazette of India, 1889, Pt. VI, Supplement, p. 921.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873).

Post Office Savings Banks Rules, 1905.

* * * * * *[1]

Resolution No. 509-P. O., dated the 11th March, 1905.—The Governor General in Council is pleased to direct that the following rules for the guidance of depositors in the Post Office Savings Banks shall be substituted for those published with the Resolution in the Finance and Commerce Department, No. 2270-A.,[2] dated the 18th May, 1895, as amended by subsequent Resolutions.

Rules for the guidance of depositors in Post Office Savings Banks.

ARRANGEMENT.

GENERAL.

Definitions, objects, etc.

RULES.

1. Definitions.
2. Object of Government in establishing Post Office Savings Banks.
3. Business hours.
4. Postal Officials bound to secrecy.

Conditions regarding deposits.

5. Persons who may deposit money.
6—12. Limitations as to opening accounts and deposits.

Conditions regarding withdrawals.

13—16. Powers to withdraw money and limitations as to withdrawals.

Opening of accounts.

17—21. How to open an account.

Pass-Books.

22. Pass-Book and its importance.
23. Loss of pass-book.

[1] The omission is merely a recital of the reasons for the issue of these revised rules and has not the force of law.

[2] *Vide* Gazette of India, 1895, Pt. I, p. 406.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

Deposit after account has been opened.

24—25. Mode of depositing money after an account has been opened.

Withdrawals.

26—29. Mode of withdrawing money.

Interest.

30—31. Interest.

Transfer, closure, and re-opening of accounts.

32. Transfer of accounts.

33—34. Closing an account.

35. Re-opening an account.

Dead accounts.

36. Dead accounts.

Decease, incapacity, and minority of depositors.

37—41. Procedure to be followed in cases of succession and guardianship.

PUBLIC, REGIMENTAL, AND SECURITY ACCOUNTS.

42—43. Public accounts.

44. Regimental, Police, and other conjoint accounts.

45. Security deposit accounts.

INVESTMENTS.

46. Purchase of Government Securities.

47. Sale of Government securities.

48. Safe custody of Government securities.

49—50. Interest on Government securities.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

ALTERATION OF RULES.

51. Power of Government to alter rules.

Definitions.

1. For the purposes of these rules—

Deposit means money paid into a Post Office Savings Bank by, or on behalf of, a depositor.

Deposit at call means a deposit which may be withdrawn at any time subject to the limitations prescribed by rules 13, 16, 42 (*k*), and 44 (*e*) and the term is used to distinguish such deposits from those which require six months' notice of withdrawal.

Depositor means the person by whom, or on whose behalf, money is deposited.

Account means the account of a depositor in a Post Office Savings Bank.

Balance means the balance at credit of an account.

Minor means a person who has not completed the age of eighteen years.

Guardian includes a father, or, if the father be dead, a mother, or, if both parents be dead, and no guardian of the minor has been appointed by will or deed or under any enactment for the time being in force in British India, any adult relation of the minor with or by whom the minor is residing or being maintained.

Director-General means the Director-General of the Post Office of India.

Postmaster-General means the chief postal authority in any province or place to which the system of Post Office Savings Banks is extended.

Object of Government in Establishing Post Office Savings Banks.

2. The object of Government in establishing Post Office Savings Banks is to provide a ready means for the deposit of savings, and so to

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

encourage thrift. Savings Banks are not to be used for the purpose of keeping a current account, and the Comptroller, Post Office, is empowered to close an account should he have reason to believe that the depositor has used the Savings Bank for a purpose for which it was not intended.

Business hours.

3. Post Office Savings Banks will be open for the transaction of business between the hours of noon and 4 P.M., every day, with the exception of Sundays, Christmas Day, New Year's Day, Good Friday, and the King's Birthday. These hours may, under the authority of the Postmaster-General, be altered to suit local circumstances.

Postal officials bound to secrecy.

4. The officers of the Postal Department engaged in the receipt or payment of deposits are not allowed to disclose the name of any depositor or the amount deposited or withdrawn by him, except to the Postmaster-General or other officers or the Department engaged in carrying out the provisions of these rules.

Persons who may deposit money.

5. Any person may deposit money in a Post Office Savings Bank (*a*) on his own behalf, or (*b*) on behalf of any minor relative, or (*c*) on behalf of any minor of whom he is the guardian.

Exception.—A Government official may not open an account on behalf of a minor of whom he is the official guardian.

Explanation.—Minors are allowed to deposit money in their own names and women, whether married or single, are allowed to deposit money in their own names, but subject, in the case of married women, to the limitation laid down in Rule 6 (iii).

Limitations as to opening accounts and deposits.

6. (i) Any person may open an account in his own name, but may not have more than one such account open.

(ii) In addition to the account which a person may open in his own name, he may open any number of separate accounts on behalf

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

of any minors who are related to him or of whom he is the guardian, provided that he shall not open more than one account on behalf of each such minor.

(iii) The fact that an account has been opened on behalf of a minor shall not prevent such minor from opening an account in his own name nor shall the fact that a married man has an account in his own name prevent his wife from opening a separate account in her own name, provided the money to be deposited by her is her own property or earning.

7. In each account money may be deposited either at call or subject to six months' notice of withdrawal.

8. Deposits in trust are not allowed, and cannot be recognised.

9. Money cannot be deposited in the name of two or more persons jointly, provided that nothing in this rule shall prevent the deposit of money in the name of a known firm.

10. The smallest sum of money that can be deposited at any time is four annas: and no sum can be deposited that includes a fraction of an anna.

[1]11. The total amount which may be deposited in any one offiial year—from the 1st April to the 31st March inclusive—may not exceed Rs. 1,200, of which not more than Rs. 200 may remain at call, or subject to six months' notice of withdrawal, or partly at call and partly subject to six months' notice of withdrawal. The excess above Rs. 200, together with any further sum at the depositor's credit, which he may wish to invest (being a sum in whole rupees and not less than Rs. 10 in all), will be invested for him in Government securities under rule 46.

Example.—A depositor has deposited Rs. 200 from April 1st to November 10th, and on November 20th brings Rs. 5 annas 3 to the post office to be deposited. The Rs. 5 annas 3 will be accepted as a deposit provided that the depositor at the same time signs a form of application requesting that out of the Rs. 205 annas 3 any specified sum in whole rupees not being less than Rs. 10 (*e.g.*, Rs. 10 or Rs. 11) may be invested for him. In

[1]Rule 11 was substituted by Notification No. 4329-4333—181-P., dated 1st June, 906, *see* Gazette of India, 1906, Pt. I, p. 370.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

this way the depositor may continue to make deposits up to Rs. 1,200 in all during the year.

NOTE 1.—The annual limit of Rs. 200 for deposits remaining at call or subject to six months' notice of withdrawal, will be reckoned irrespective of withdrawals, that is, withdrawals will not be deducted in applying the limit. But amounts (1) deposited for purposes of immediate investment, or (2) transferred from the deposits at call to deposits requiring six months' notice of withdrawal or *vice virsâ* will be deducted in applying the limit.

NOTE 2.—When an account is transferred from one Post Office Savings Bank to another, only such portion of it as was deposited in the current official year shall be included in calculating the limit of Rs. 200.

12. The total amount which a depositor may have at any time whether at call, or subject to six months' notice of withdrawal, or invested, exclusive of interest, for the current year is Rs. 5,000 in the case of an adult and Rs. 4,000 in the case of an account opened on behalf of a minor by his relative or guardian, provided that out of these total amounts of Rs. 5,000 and Rs. 4,000 not more than Rs. 2,000 in the case of an adult and Rs. 1,000 in the case of a minor may remain at call or subject to six months' notice of withdrawal, or partly at call and partly subject to six months' notice of withdrawal, and that the balance in excess of these sums (*i.e.*, in excess of Rs. 2,000 or Rs. 1,000 as the case may be) is invested on behalf of the depositor under rule 46. Provided also that only sums in whole rupees and not less than Rs. 10 can be invested at any time.

Example.—A depositor has Rs. 1,950 at his credit in the Savings Bank and brings Rs. 58 annas 5 to be deposited. The Rs. 58 annas 5 will be accepted as a deposit provided that the depositor at the same time signs a form of application requesting that out of the Rs. 2,008 annas 5, any specified sum in whole rupees not being less than Rs. 10 may be invested for him. In this way the depositor may continue to make deposits up to Rs. 1,200 each year until his deposits both at call and subject to six months' notice of withdrawal and his investments amount together to Rs. 5,000.

NOTE.—The maximum balance of Rs. 2,000 (or Rs. 1,000 if the account was opened on behalf of a minor) which may remain at call or subject to six months' notice of withdrawal may be increased by the addition from year to year of interest calculated on the maximum limit of Rs. 2,000, or Rs. 1,000, as the case may be, and also by interest on investments, credited under rule 49.

Powers to withdraw money and limitations as to withdrawals.

13. A depositor may withdraw money from his account only once a week. By the term "week" is meant the period from Monday to

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

Saturday, both days inclusive. A depositor may, therefore, withdraw money from his account on Saturday and again on the following Monday.

14. A minor may only withdraw money deposited by him in his own name. Money deposited on behalf of a minor may only be withdrawn during his minority by his guardian.

15. Women, whether married or single, may withdraw money deposited by them in their own names; and married women may also withdraw money deposited by them as single women, in their own names, their marriage notwithstanding. The fact that a female minor, on whose behalf money has been deposited, is married, or becomes married after the account has been opened on her own behalf, shall not prevent her from withdrawing the money so deposited on attaining majority.

16. A depositor may not withdraw a smaller sum than four annas, and he may not withdraw any sum which includes a fraction of an anna unless it be to close his account, in which case he may withdraw the whole balance at his credit.

How to open an account.

17. Any person wishing to open an account should apply to the nearest Post Office that is a Savings Bank. Application need not necessarily be made in person; but the applicant must state his name, his occupation or profession, and his place of residence. If he be a Native, he must also state his father's name and caste.

18. The intending depositor must sign a declaration in the following form, that he has read and accepted the Post Office Savings Bank Rules. If he be unable to write, he must attend personally, and, in the presence of a witness, affix his mark or seal to the declaration, to be attested by the signature of the witness. If he should apply in person, a copy of these rules will be given to him to read, or they will be read and explained to him, should he be unable to read. If he should not apply in person, a copy of these rules with the form of declaration will be sent to him, and he must present the declaration duly signed, with the first deposit.

Form of Declaration to be signed by Depositor on making first deposit.

"I hereby declare that the Post Office Savings Bank Rules have been read { by me / to me }, and that I accept them as binding upon me.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

"I further declare that I have no account in my own name at any Post Office Savings Bank."*

19. Women may open accounts in their own names through their agents; or, if they are married women, through their husbands or agents. The agent or husband will be required to produce a letter of authority in the prescribed form from the depositor and to sign the declaration that the depositor understands and accepts the rules. No postal official may under this rule be the agent of any women, except his own wife, in respect of an account held in the Post Office in which he is employed.

20. When the declaration is presented, duly signed, with the amount of the first deposit, or when it has been signed by a depositor attending in person to make a deposit, the amount of the deposit will be entered in a pass-book which will be supplied to the depositor, and the entry will be initialled by the Postmaster and stamped with the office stamp. If the depositor wishes that the deposit, or any portion of it, should be held subject to six months' notice of withdrawal, he must sign a certificate to this effect in the prescribed form which can be obtained from the Post Office, failing which the entire amount will be entered in his pass-book as a deposit at call. The depositor will be required to sign a receipt for the pass-book and to give a specimen of his signature in a book which will be kept in the Post Office. If the depositor does not attend in person, he must send a specimen of his signature on a slip of paper to the Post Office.

21. If the account be opened at a Sub or Branch Post Office, the pass-book for the depositor will have to be obtained from the Head Office. A preliminary receipt for the amount of the first deposit will, therefore, be given to the depositor, who will be informed of the date on which he should call to receive the pass-book. When the pass-book is handed over to the depositor, he will be required to return this preliminary receipt and to sign a receipt for the pass-book, in addition to leaving a specimen of his signature on record in the Post Office. The amount of the original deposit will be entered in the pass-book by the Head Office and the depositor will therefore have a

* NOTE.—The latter sentence is to be scored through in the case of an account opened on behalf of a minor, in which case the person opening the account must make the following further declarations:—

"I declare that I have no account on behalf of the minor at any Post Office Savings Bank.

I declare that the minor was born on (*date by Christian era as nearly as can be ascertained*)."

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

guarantee that the sum has been received in that Office. He should be careful to see that the entry in the pass-book corresponds with the amount entered in the preliminary receipt before giving up the latter.

Pass-book and its importance.

22. The pass-book will show, in the vernacular of the district or in English as the depositor may wish, the number of his account, with the name of the office from which the book is issued, his own name, occupation or profession, and address. No deposit can be made and no money can be withdrawn from an account without its production, and the Post Office will not be responsible for any sum not acknowledged in the pass-book. Depositors should carefully examine their books before leaving the office, and ascertain that the entries are correct. They should also be careful to keep their pass-books in their own possession, as the Post Office does not accept responsibility for any loss caused to a depositor, if, through his negligence, any person shall obtain possession of the book and fraudulently obtain the payment of any sum belonging to the depositor.

[1] NOTE.—In the case of an account opened at a Sub or Branch Post Office the pass-book will be sent to the Head Office as soon as possible after the 15th June, when the pass-book is presented for entry of interest under Rule 31. The depositor will obtain a receipt in exchange for his pass-book, and he must give up this receipt when his pass-book is returned to him.

Loss of pass-book.

23. No charge will be made for the pass-book at first supplied to a depositor, or for any book issued to him in continuation of the original book which will be retained by the Post Office. But if a pass-book be lost or spoiled (except under circumstances over which the depositor has no control), or if any account be re-opened with the permission of the Comptroller, Post Office (under Rule 35), before the expiration of three months from the date of closure, the depositor will have to pay one rupee for a fresh book.

Mode of depositing money after an account has been opened.

24. A depositor may deposit money at the Post Office at which his account stands as often as he wishes, so long as the prescribed yearly and maximum limits are not exceeded. All that he is required

[1] Substituted by Notification No. 5676—5680-191, dated 19th July, 1906, *see* Gazette of India, 1906, Pt. I, p. 512.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

to do is to take or send the amount to be deposited, with his pass-book, and (if necessary) the certificate referred to in rule 20, to the Post Office. The amount of his deposit will be entered in the pass-book, and the balance struck as shown below. The entry will then be initialled by the Postmaster and stamped with the dated stamp of the Office, and the pass-book will be returned to the depositor or his messenger:—

Date.	Dated stamp of the Post Office.	Amount of each deposit or withdrawal (to be entered in words).	At call.			Requiring 6 months' notice of withdrawal.			Balance at credit of the depositor.	Initials of the Postmaster.
			Amount credited.	Amount withdrawn.	Balance each transaction.	Amount deposited.	Amount withdrawn.	Balance each transaction.		
1883.			R A. P.	R A. P.	R A. P.	R A. P.	R A. P.	R A. P.	R A. P.	
3rd April ...		Deposited ten rupees ...	10 0 0	...	10 0 0	...	...	...	10 0 0	A.B.C.
15th ,, ...		Deposited twenty-five rupees...	...	...	...	25 0 0	...	35 0 0	0 0	A.B.C.
12th May ...		Withdrawn three rupees ...	...	3 0 0	7 0 0	...	...	...	32 0 0	A,B.C.
20th Dec. ...		Withdrawn twenty rupees ...	...	...	...	...	20 0 0	5 0 0	12 0 0	A.B.C.

NOTE 1.—No deposit may be made to an account which has been ordered to be closed.

NOTE 2.—No deposit may be made to an account opened on behalf of a minor after he has attained the age of 18 years.

NOTE 3.—If a depositor wishes that the whole, or any portion, of the balance of his account at call should be held subject to six months' notice of withdrawal, he should furnish the Postmaster with a certificate to this effect in the prescribed form referred to in rule 20. The certificate should be accompanied by the depositor's pass-book, and the necessary transfer will then be made.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

[1] A depositor whose account stands at a Head Office may deposit money at any of the Sub-Offices under that Head Office which are Savings Banks, and a depositor whose account stands at a sub-office may deposit money at the Head Office of the Sub-Office or at any of the Sub-Offices of that Head Office which are Savings Banks. Similarly, a depositor at a Branch Office may deposit money at the Office to which it is subordinate, and if such office is a sub-office, he may also deposit money at the Head Office of such sub-office. With these exceptions, a depositor may deposit money only at the Post Office at which his account stands.

25. If the amount be deposited at a Sub or Branch Post Office the depositor will receive, in addition to the receipt in his pass-book, an acknowledgment from the Head Office, which will generally be the office at the head-quarters station of the district. This acknowledgment will be delivered to him in ordinary course through the Post Office. If it should not reach the depositor in proper time, or if when it reaches him, it should show any signs of erasure, or should not agree with the entry in the pass-book, the depositor should immediately apply to the Postmaster of the Head Office, the name of which is in the pass-book, and renew his application again and again until he receives a satisfactory reply.

Mode of withdrawing money.

26. (*1*) When a depositor wishes to withdraw money from that portion of his account which is subject to six months' notice of withdrawal, he must give notice to this effect to the Postmaster in the prescribed form which can be obtained from the Post Office. He will then receive an intimation from the Postmaster, as to the date on which the amount will be payable, which will be six months from the date on which the notice was received at the Post Office. Should no actual withdrawal be made on that date, the amount in respect of which the notice was given will be transferred to the deposits held at call.

(*2*) When a depositor wishes to withdraw money which is at call, or in respect of which the notice of withdrawal has expired, he must present his pass-book personally or by agent at the Post Office at which his account stands, with a printed form of application for withdrawal, which can be obtained at the Post Office, signed by himself, and showing the balance at his credit and the amount which he

19th [1] This paragraph was added to rule 24 by Notification No. 5676—5680-191, dated July, 1906, *see* Gazette of India, 1906, Pt. I, p. 512.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

wishes to withdraw. If the pass-book and application for withdrawal are presented by an agent, the name and signature of the agent should be entered in the application for withdrawal before it leaves the depositor's custody, and in any case the entries must be made before the application is presented at the Post Office. If the depositor is unable to write, he must attend personally and affix his mark or seal to the application. Should he be absolutely unable to attend personally he must have his mark or seal affixed to the application and attested by some respectable witness, and the Postmaster will make payment to the person presenting this application with the pass-book, after satisfying himself, by such enquiry as he may think proper, of the inability of the depositor to attend and of the genuine character of the application. The mark or seal of a depositor or messenger who cannot write must, at the time he receives payment of a withdrawal, be attested by the signature of a respectable witness (other than the paying officer) who is personally acquainted with the depositor or messenger (as the case may be) and also known to the Postmaster or some member of the Post Office establishment.

NOTE.—If a depositor desires to withdraw the whole of the balance shown to his credit in his pass-book, he will be required to close his account.

27. Should any person other than the father, or if the father is dead, the mother, wish to withdraw money from an account opened on behalf of a minor and claim to do so as guardian of such minor, he will be required to fill in, on a form prescribed by the Director-General, answers to the following questions and such other questions as may be considered necessary, and will only be allowed to withdraw money on the order of the Postmaster-General in accordance with rule 41:—

(*a*) What is your relationship to the minor?

(*b*) Is the father or mother of the minor dead, or are both parents dead? What near relatives of the minor are alive?

(*c*) Have you been appointed guardian of the minor by will or deed or under any enactment in force in British India? (If the reply to this question is in the affirmative, the applicant should produce the documents on which he relies to support his claim)

(*d*) Are you an adult relative of the minor, and does he reside with you or is he maintained by you?

NOTE.—In the case of withdrawals made from accounts opened on behalf of minors, the father or other guardian of the minor must sign the following certificate on the application for withdrawal:—

"Certified that the amount sought to be withdrawn is required for the use of the minor."

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

28. The amount to be withdrawn will be entered in the pass-book and a fresh balance struck, as in the case of a deposit, under the initials of the Postmaster and the dated stamp of the office. The amount will then be paid to the depositor or to the person presenting the pass-book and application, and his receipt taken, in all cases without a receipt stamp, on the warrant of payment.

29. If the amount be withdrawn at a Sub-Post Office, payment cannot be made until a Warrant of Payment is received from the Head Office, except in the case of certain selected Sub-Offices which are authorised to grant Warrants of Payment. If the amount be withdrawn at a Branch Office payment cannot be made until a Warrant of Payment is received from the Head Office or from the Sub-Office to which the Branch Office is subordinate when that Sub-Office is authorised to grant Warrants of Payment. The depositor, therefore, or other person presenting the pass-book and application will, except when the account is at one of the selected Sub-Offices, be informed of the date on which he should come to the Post Office to receive payment, and will retain his pass-book. On presentation of the pass-book on the date mentioned or any subsequent date within one week after the arrival of the Warrant of Payment, the amount will be paid to the depositor or other person presenting the pass-book, and his receipt will be taken, in all cases without a receipt stamp, upon the warrant. The necessary entries will then be made in the pass-book, under the initials of the Sub or Branch Postmaster and attested by the stamp of the office.

[1] NOTE.—In the case of an application to withdraw from (*a*) a minor's account, (*b*) a security deposit account, (*c*) any of the conjoint accounts specified in Rule 44, payment cannot, in any circumstances, be made until a Warrant of Payment is received from the Head Office.

Interest.

30. Interest will be allowed, until further orders, at the rate of 3 per cent. per annum on all deposits at call and at the rate of 3½ per cent. per annum on all deposits requiring six months' notice of withdrawal, subject to the condition stated in this rule. This interest will be allowed for each calendar month on the lowest balance at credit of an account between the close of the fourth day and the end of the month: provided that interest shall be allowed only on sums of

[1] Substituted by Notification No. 5676—5680-191, dated 19th July, 1906 *see* Gazette of India, 1906, Pt. I, p. 512.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd*

Post Office Savings Banks Rules, 1905—*contd.*

complete rupees and that it shall be calculated according to the tables* appended to these rules, in which all fractions of a pie are discarded; provided also that interest shall not be allowed on any sum in excess of Rs. 2,000 (or of Rs. 1,000, if the account was opened on behalf of a minor) whether the balance of the account is at call or subject to six months' notice of withdrawal, or partly at call and partly subject to six months' notice of withdrawal.

NOTE 1.—When an order has been issued to close an account, interest ceases to accrue from the first day of the month in which the order is issued (*see* end of Rule 34).

[1]NOTE 2.—Interest on the account of a deceased depositor ceases to accrue from the first day of the month in which notice is issued to the person or persons recognised by the Postmaster-General as entitled to receive the balance of the account. No interest will be allowed on money deposited after his death in the account of a deceased depositor.

31. The interest calculated as above for each month will be added each year to the balance of each account. Depositors should present their pass-books as soon as possible, after the 15th June, in order that the necessary entries may be made in them. If the pass-book be not presented for this purpose, the entry will be made on the next occasion when a deposit is made or when money is withdrawn.

NOTE 1.—Pass-books of depositors in Sub and Branch Post Offices will be sent to the Head Office for the entry of interest under this rule.

NOTE 2.—No balance will be struck in the pass-book after the 31st March until interest has been added for the past year.

Transfer of Accounts.

32. A depositor may have his account transferred, free of charge, to any Post Office that is a Savings Bank *provided that the account shall have been in existence for three months previous to the transfer.* If he should wish to transfer his account, he must present his pass-book personally, or send it to the Post Office, and must in either case

*Owing to the facts (1) that the entries in the first column of these tables are arranged in units of rupees up to ten rupees only, and thereafter, in complete multiples of ten rupees, and (2) that fractions of a pie in the interest columns have been discarded, there will be a defect of one pie, in some cases, in calculating the interest on sums in excess of ten rupees which are not complete multiples of ten rupees. For example, according to table I the interest allowed on Rs. 19 for one month is 8 pies, whereas the actual interest, excluding a fraction of a pie, is 9 pies.

[1] Substituted by Notification No. 5676—5680-191, dated 15th July, 1906, *see* Gazette of India, 1906, Pt. I, p. 512.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

make a written application for transfer. [1][The Pass Book will be returned to the depositor who should present it as soon as possible at the Post Office to which his account has been transferred, with a fresh specimen of his signature.]

NOTE 1.—Accounts cannot be transferred rom one Head Post Office to another between the 16th and 31st March, both days inclusive.

NOTE 2.—Accounts ordered to be closed cannot be transferred.

[2]NOTE 3.—The pass-book of a depositor in a Sub or Branch Post Office will first be sent to the Head Office to have the orders authorising the transfer entered in it.

Closing an Account.

33. (*1*) Accounts in which the entire balance at the credit of the depositor is at call, may be closed at any time, but accounts in which the whole, or a portion, of the balance is subject to six months' notice of withdrawal, cannot be closed until the expiry of the period of notice which should be given in accordance with rule 26(*1*), except in the cases provided for in rule 34.

(*2*) When a depositor wishes to close his account, he must present his pass-book with a form of application for withdrawal of the amount shown at his credit in the pass-book. The amount of interest due on his account up to the end of the calendar month preceding the date of presentation will be entered in the pass-book, and a final balance struck. The amount will then be paid to the depositor, and his receipt taken on the Warrant of Payment. The pass-book will be retained in the Post Office. If the application to close an account be presented at a Sub or Branch Office, the same procedure will be followed as in the case of an ordinary withdrawal, except that the pass-book will be retained, and that the application and pass-book will, when interest is due, be in all cases sent to the Head Office for the Warrant of Payment even when the Sub-Office is itself authorised to grant Warrants of Payments for ordinary withdrawals.

NOTE.—The rule (*see* rule 13) which prevents a depositor from withdrawing money from his account more than once a week does not apply to the closing of an account, that is to say, an account may be closed within the week in which a withdrawal has been made.

34. If an order to close an account be issued by the Postmaster-General or the Comptroller, Post Office, under these rules, notice in writing will be sent to the depositor requiring him to present his pass-book and receive payment of the balance at his credit as soon as

[1] Substituted by Notification No. 5676–5680-191, dated 19th July, 1906, *see* Gazette of India, 1906, Pt. I, p. 512.

[2] Added by Notification No. 5676—5680-191, dated 19th July, 1906, *see* Gazette of India, 1906, Pt. I, p. 512.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

convenient. After the date of such notice, no deposit will be accepted on the account, and no interest will be allowed upon the balance after the end of the calendar month preceding such date.

[1]34-A.—An account opened on behalf of a minor must, if still open, be closed by the person on whose behalf it was opened, on his attaining the age of 18 years. When the late minor is not in India and delay would cause substantial hardship, the Postmaster-General may allow the late guardian to close the account (on behalf of the late minor) on his indemnifying the Post Office against loss from any future claim. If a minor after attaining the age of 18 years still remains a minor by law or order of a court of justice, his guardian must close the account on the minor completing 18 years of age. Interest on an account opened on behalf of a minor ceases to accrue from the first day of the month in which the minor attains the age of 18 years.

Re-opening an account.

35. A depositor who has once closed an account cannot open another account until after the expiration of three months from the date of closure without the permission of the Comptroller, Post Office, and a depositor whose account has been closed by order cannot open a fresh account in any case without the permission of the authority which ordered it to be closed.

Dead accounts.

36. Accounts in respect of which no transactions have taken place for the period specified below will be treated as "dead," and no subsequent deposit or withdrawal will be allowed in the case of such accounts without the previous orders of the Comptroller, Post Office:

When the balance of the account	And when no sum has been deposited or withdrawn and no interest added for
does not exceed Rs. 10	... 3 complete years.
" " " 100	... 6 " "
exceeds " 100	... 12 " "

NOTE 1.—By "transaction" in this rule is meant not only a deposit or withdrawal but also the presentation of the pass-book for the entry of interest.

NOTE 2.—A dead account does not lapse to Government, but may be re-opened at any time on the application of the depositor and the interest that has accumulated will be added to the principal when the account is revived.

Procedure to be followed in cases of succession and guardianship.

37. If a depositor should die, leaving in a Post Office Savings Bank a balance, whether in cash or in Government Securities, or both,

[1] Constituted a separate rule and numbered 34-A. by Notification No. 5676—5680-191, dated 19th July 1906, *see* Gazette of India, 1906, Pt. I, p. 512.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

not exceeding one thousand rupees, and if probate of his will, or letters of administration of his estate, or a certificate granted under Act VII of 1889, be not produced to the Postmaster-General within three months of the death of the said depositor, the Postmaster-General may pay the said sum of money to any person appearing to him to be entitled to receive it or to administer the estate of the deceased.

NOTE.—Payment under this rule may be made from accounts the whole, or a portion, of the balance of which is subject to six months' notice of withdrawal, without requiring that notice to be given.

38. Balances, whether in cash or Government Securities, or both, in excess of Rs. 1,000, may only be paid on production of probate, letters of administration, or a certificate under Act VII of 1889, unless otherwise ordered by the Director-General of the Post Office, who has discretionary power to dispense with such evidence in cases where he is of opinion that to require it would cause hardship, and that to dispense with it would involve no appreciable risk. If the balance in excess of Rs. 1,000 be that of a cash deposit account opened on behalf of a deceased minor—the balance of which, excluding interest, cannot under these rules exceed Rs. 1,000—the discretionary power may be exercised even if the condition of hardship be not established.

NOTE.—The note below rule 37 applies also to this rule.

39. If any depositor becomes insane or otherwise incapable of managing his affairs, and if such insanity or incapacity be proved to the satisfaction of the Postmaster-General, then the Postmaster-General may, from time to time, make payment out of the deposits to any proper person. Where a committee or manager has been duly appointed to administer the depositor's estate, nothing in this rule authorises payments to any person other than such committee or manager.

40. The deposits of non-commissioned officers and soldiers of the British Army who die intestate, desert, or become insane or otherwise incapable of managing their affairs, will be made over, on application, to the President of the Committee of Adjustment.

41. When any person other than the father, or, if the father is dead, the mother, claims to withdraw money from an account opened on behalf of a minor as being the guardian of such minor, the Postmaster-General may authorise the applicant to withdraw money from the account for the minor's use, in accordance with the following rules:—

(*a*) Where the applicant claims to be guardian under the law, on production of proof of the claim to the satisfaction of the Postmaster-General.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

(*b*) Where the applicant claims as guardian duly appointed by will or deed, on production of the documents supporting the claim.

(*c*) Where the amount of the account does not exceed Rs. 250 and the applicant does not claim to be guardian under clause (*a*) or clause (*b*), upon his giving evidence to the satisfaction of the Postmaster-General that he (the applicant) is the guardian of the minor.

(*d*) Where the amount of the account exceeds Rs. 250 and the applicant does not claim to be guardian under clause (*a*) or clause (*b*), upon the applicant producing a certificate of administration granted under Act VIII of 1890.

(*e*) In any case of doubt the applicant (not being the father or mother of the minor) may be required to produce a certificate of administration, under Act VIII of 1890, before payment is made to him.

NOTE.—An authority given by the Postmaster-General under (*c*) will not hold good for a subsequent withdrawal if the balance of the account then exceeds Rs. 250.

Public accounts.

42. The following special conditions govern the opening of "Public Accounts" and their transactions:—

(*a*) Accounts may be opened by Secretaries, Treasurers, or Managers of the funds of any Dispensary, Church or other religious institution, School, Orphanage, Asylum or Library, or of any other funds contributed for purposes other than the private or personal advantage or amusement of the contributors. Race, Racquet, Billiard, Mess and similar funds, the objects of which are of a private or personal nature, cannot be allowed accounts.

Illustration.—The funds of regimental and public bands, which are maintained for purposes other than private advantage or amusement, are admissible.

Explanation (*1*).—A Library fund is admissible, even though the library is open only to subscribers.

Explanation (*2*).—If an institution has two or more distinct funds which cannot under their constitution and in accordance with the conditions imposed by the donors, be amalgamated, an account is admissible for each such fund.

Explanation (*3*).—The prohibition of current accounts when applied to a public account extends only to the use of the account for full details of the income and expenditure of the fund and does not prevent the periodical credit of subscriptions or other receipts, or the periodical withdrawal of money for expenditure, *e.g.*, a building fund raised for the erection of a church, or charitable institution is admissible.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

(*b*) Secretaries, Treasurers, or Managers of Societies registered under the Co-operative Credit Societies Act, 1904 (X of 1904), may be allowed accounts.

(*c*) Secretaries and Managers of benevolent funds (that is, funds formed by mutual subscription as an insurance against domestic misfortune) may be allowed accounts.

(*d*) Officers of Government or of public institutions, such as Railway and Steamer Companies, and the like, who collect subscriptions, voluntary or departmental, from their subordinates for departmental purposes, may be allowed accounts.

Explanation.—For the purpose of this rule, the term "Officers of Government" includes any officer of the Government of a Native State the Posts of which have been amalgamated with the Imperial Post.

(*e*) Public accounts of the kind specified above must be designated by names indicating the objects to which the money is devoted, as *A—pore Dispensary Fund, Workmen's Sick-Fund, etc.*, and information must be given in writing regarding the object and source of income of the fund.

(*f*) Each new public account must be authorised by the Postmaster-General before it is opened. The Postmaster-General is empowered to direct that a public account be closed should its object at any time be such that the account could not, under the rules, be opened as a public account.

(*g*) In every case in which the holder of a public account, other than a public account held by an officer of Government in his official capacity, is changed, a fresh declaration (*see* rule 18) must be filled up.

(*h*) The limitations laid down in rule 6 are not meant to prevent any person from opening more than one *ex-officio* or public account.

(*i*) The prohibition against deposits in the name of two or more persons jointly (*see* rule 9) does not apply to public accounts.

(*j*) The annual limit of Rs. 200 and the maximum limit of Rs. 2,000 for deposits (*see* rules 11 and 12), as well as the maximum limit of Rs. 2,000 for calculation of

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

interest (*see* rule 30), do not apply to public accounts. But no public account may have at any time more than Rs. 10,000 at its credit, exclusive of interest, for the current year and no interest will be credited on any sum in excess of Rs. 10,000.

(*k*) The amount of withdrawals within twelve consecutive months from the deposits at call at the credit of a public account is limited to Rs. 2,000, unless the person who holds the account gives notice to the Post Office at which the account stands of his intention to make additional withdrawals. The notice must specify the amount to be withdrawn and be given one month in advance by means of an ordinary letter addressed to the Postmaster which should specify the date on which it is intended to make the withdrawal, and if it is intended to withdraw the amount in two or more instalments, specific information must be given in the notice as to the number of instalments and the amount and date of withdrawal of each instalment. In the case of deposits subject to six months' notice of withdrawal, six months' notice must be given under the provisions of rule 26 (*1*) before any withdrawal can be made.

(*l*) In the form of declaration (*see* rule 18), which every intending depositor is required to sign, the words "I further declare that I have no account in my own name at any Post Office Savings Bank" should be scored through in the case of a public account.

43. No account may be allowed for money—

(1) which is the property of Government, or

(2) which has been received for credit of Government, or

(3) which has been drawn from the Treasury for expenditure on account of Government, or

(4) which is raised by taxation, either local or municipal, or

(5) which is collected or received or held in trust by any public officer or court in accordance with any law.

NOTE.—Nothing in this rule prevents the opening of an account for a judicial deposit in accordance with special order passed by a court of law in a particular case directing the investment of the money in the Post Office Savings Bank. Such an account, when admitted, is subject in every respect to the rules and limitations which govern ordinary private accounts.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

Regimental, Police and other conjoint accounts.

44. [1][The following special conditions govern the opening of the conjoint accounts specified below, and their transactions:—]

(*a*) The Commanding Officer of a Native Regiment may open a single account with the Post Office Savings Bank on account of the men of his regiment, making his own arrangements about the separate accounts of the individuals, and about the distribution to them of the interest credited upon the conjoint account. In other respects the account shall, except when the contrary is stated, be subject to the general rules for other accounts. The Commanding Officer must, when opening the account, sign a certificate that, to the best of his belief, the money is the property of the men of the regiment.

(*b*) District Superintendents of Police, and Officers in command or charge of any Police Force, may open similar accounts on account of the men of the Police Force under their command or charge.

(*c*) Chairmen of District Boards and Municipalities are also allowed to have similar accounts on account of servants of such Boards and Municipalities, in accordance with rules which may be sanctioned from time to time by Local Governments.

NOTE.—This rule shall not be held to prevent any native soldier, or any member of the Police Force, or any servant of a District Board or Municipality opening an account of his own in his individual capacity.

(*d*) The annual limit of Rs. 200 and the maximum limit of Rs. 2,000 for deposits (*see* rules 11 and 12), as well as the maximum limit of Rs. 2,000 for calculation of interest (*see* rule 30) do not apply to accounts opened under this rule.

(*e*) Except with the special sanction of the Director-General, the amount of withdrawals within twelve consecutive months from the deposits at call at the credit of an account opened under this rule is limited to Rs. 2,000, unless the person who holds the account gives notice to the Post Office at which the account stands of his

[1] Substituted by Notification No. 5675—5680-191, dated 19th July, 1906, *see* Gazette of India, 1906, Pt. I, p. 512.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

intention to make additional withdrawals. The notice must specify the amount to be withdrawn and be given one month in advance, by means of an ordinary letter addressed to the Postmaster, which specifies the date on which it is intended to make the withdrawal, and if it is intended to withdraw the amount in two or more instalments, specific information must be given in the notice as to the number of instalments and the amount and date of withdrawal of each instalment. In the case of deposits subject to six months' notice of withdrawal, six months' notice must be given under the provisions of Rule 26 (1) before any withdrawal can be made.

(*f*) In the form of declaration (*see* Rule 18) which every intending depositor is required to sign, the words "I further declare that I have no account in my own name at any Post Office Savings Bank" should be scored through in the case of accounts opened under this rule.

Security deposit accounts.

45. The following special conditions govern the opening of security deposit accounts and their transactions:—

(*a*) Government servants, servants of Railway Companies, of local authorities and of Courts of Wards who are required by their employers who deposit security, contractors who are required by Government or local authorities to deposit security, and persons who are authorised under section 202 of the Sea Customs Act, VIII of 1878, to act as Agents for the transaction of business in any Custom House on behalf of the public, and are required under that section to deposit security, may be allowed separate accounts for the security deposit only.

Explanation.—For the purpose of this rule the term "Government servants" includes any servant of the Government of a Native State the Posts of which have been amalgamated with the Imperial Post.

NOTE.—Local authority means any body corporate, Municipal Committee or other persons legally entitled to the control or management of any local or Municipal Fund, or legally entitled to impose any cess, rate, duty or tax upon any persons within any local area.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

(*b*) A person undertaking more than one work or contract at the same time may be allowed a separate account in respect of each.

(*c*) The maximum limit for each separate account is Rs. 500, and the amount may be deposited in a single sum or by instalments, and either at call or subject to six months' notice of withdrawal.

(*d*) A person may open a security deposit account either in his own behalf or on behalf of another person. More than one account, however, may not be opened as security of the same person in respect of the same work or contract.

(*e*) A security deposit account may be opened in the joint names of the persons undertaking the same work or contract.

(*f*) The depositor will be required to sign a letter (in a form prescribed by the Director-General) addressed to the Postmaster, undertaking not to make any claim on the Savings Bank for the principal of the sum deposited, except with the express written sanction of the person referred to in the letter to whom the security is pledged, not to object to the payment by the Bank of the whole or part of the principal to such person on his claiming it, and not to make any claim for interest from the date on which interest has ceased to accrue owing to the payment of the principal to such person or from the date on which such person has sanctioned the repayment of the deposit.

(*g*) The officer to whom the security is pledged as above may, with the consent of the person pledging the security, open an account for such security in his own name, *e.g.*, "Executive Engineer, A—pore, on account of security of A. B." In this case the deposit will be received from the officer to whom the security is pledged and the pass-book will be issued to him.

(*h*) Interest on security deposits will accrue and be paid in the usual manner, subject to the conditions specified in the letter mentioned in clause (*f*) of this rule.

(*i*) The prohibition against the transfer of an account until it has been in existence for three months (*see* Rule 32), does not apply to security deposit accounts.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

(*j*) In the form of declaration (*see* Rule 18), which every intending depositor is required to sign, the words "I further declare that I have no account in my own name at any Post Office Savings Bank" should be scored through in the case of a security deposit account.

INVESTMENTS.

Purchase of Government Securities.

[1]46. (1) Any person, whether previously a depositor in the Post Office Savings Bank or not, may invest through the Post Office in Government Securities, in one of the 3½ per cent. loans specifying in his application either the sum to be invested or the nominal value of the securities to be purchased: provided that the sum to be invested or the nominal value of securities to be purchased shall be in whole rupees, and not less than Rs. 10: provided also that the total amount invested in any one official year from the 1st of April to the 31st of March shall not exceed Rs. 1,000 and that the total amount invested through the Post Office, after deducting any sum sold through the Post Office, shall not exceed Rs. 5,000 in the case of an adult, or Rs. 4,000 in the case of a minor.

(2) If the nominal value of securities purchased is *less* than Rs. 100, an Investment Certificate will be issued. If the nominal value of the securities is Rs. 100, the investor may have either an Investment Certificate or a whole piece of Government paper for the amount, and if the nominal value of the securities is above Rs. 100, he may have either (i) an Investment Certificate for the entire amount, or (ii) whole pieces of Government paper of Rs. 100, or any multiple of Rs. 100, and an Investment Certificate for the remainder, provided that the remainder is not less than Rs. 10.

NOTE.—In the case of all applications for the purchase of Government Securities either the whole or a portion of the balance standing at the credit of the depositor's Savings Bank account may be made available, or a special deposit made, for the purpose of providing the amount required.

(3) When whole pieces of Government paper are required, the investor has the option of requesting, in his application, that the paper should remain in the custody of the Comptroller, Post Office, or be delivered to him. When paper is to be delivered to the investor, it will be enfaced for payment of interest at the District Treasury and be forwarded to the Post Office for delivery to the investor. In the case of Government securities represented by an

[1]Rules 46 to 49 were substituted by Notification No. 4329—4333-181-P., dated 15 June, 1906, *see* Gazette of India, 1906, Pt. I, p. 370.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

Investment Certificate, the securities will remain in the custody of the Comptroller, Post Office, and no paper can be delivered to the investor or enfaced for payment of interest at the Treasury.

(4) Application for Investment Certificates and Government Promissory Notes must be made on separate forms of application prescribed by the Director-General of the Post Office. If the applicant is already a depositor in the Post Office Savings Bank, he should present his pass-book with his application; if he is not already a depositor, a pass-book will be prepared and delivered to him.

(5) When an application for Investment Certificate is presented at a head post office, an Investment Certificate signed by the head postmaster will be handed to the investor across the counter of the post office. When presented at a sub or branch post office, it will be forwarded to the head office for the issue of an Investment Certificate. The Comptroller, Post Office, will fix the rate at which Government Securities represented by Investment Certificates can be purchased. This rate will be communicated to head postmasters and will remain in force until it is changed by the Comptroller.

(6) Two or more Investment Certificates may, at any time, be exchanged for a single certificate of their aggregate value. The certificates to be exchanged must be presented at the local post office, entered into the form of application prescribed for the purpose by the Director-General of the Post Office.

(7) Applications for Government Promissory Notes presented at any post office will be forwarded to the Comptroller, Post Office, at Calcutta, who will take the necessary steps for the purchase. *The investor will be charged with the actual price paid for the Government Promissory Notes.* When the pass-book is presented at the Post Office, the transactions connected with the investment will be noted therein.

NOTE 1.—The annual limit of Rs. 1,000 and the maximum limit of Rs. 5,000 for investments through the Post Office do not apply to investments in connection with public accounts, with regimental, police and other conjoint accounts, or with security deposit accounts.

NOTE 2.—No portion of the balance of an account which is subject to six months' notice of withdrawal may be withdrawn for the purpose of investment in Government securities until the expiry of the notice prescribed by Rule 26 (1).

Sale of Government Securities.

47. (1) Any depositor may apply for sale through the Post Office, of the whole, or of any portion, of any Government securities which may have been purchased for him through the Post Office, whether

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*contd.*

Post Office Savings Banks Rules, 1905—*contd.*

held by himself or held for him by the Comptroller, Post Office: provided that, if only a portion of the Government Securities is specified for sale, the nominal value of this portion must not be (1) less than Rs. 10 or (2) such a sum as would leave a balance of securities of the nominal value of less than Rs. 10.

(2) Applications for the sale of (*i*) Investment Certificates, and (*ii*) Government Promissory Notes, must be made on separate forms of application prescribed by the Director-General of the Post Office. In the former case, the application must be accompanied by the Investment Certificates, and the securities will be sold at the same rate as that fixed by the Comptroller, Post Office, for the purchase of securities represented by Investment Certificates. In the latter case, such of the Government Promissory Notes to be sold as are not held by the Comptroller, Post Office, must be presented with the application endorsed in favour of the Comptroller, and these, together with any Government Promissory Notes in the custody of that officer which are specified for sale, will be sold at the current market rate.

(3) The results of sale will be intimated to the depositor by the Comptroller, Post Office, through the postmaster concerned with the least possible delay after the receipt of the application. The proceeds of sale, together with any interest that may be due, will be credited to the depositor's Savings Bank account, in the first instance. If the annual or total cash limit of his account is thereby exceeded the excess will not bear interest and must be withdrawn by the depositor.

NOTE.—Securities purchased in the name and on behalf of a minor cannot be sold during the minority except by the minor's legally constituted guardian, and the definition of guardian in Rule 1 of these Rules does not apply to the sale of such securities.

Safe Custody of Government Promissory Notes.

48. (1) A depositor may tender at a Post Office Savings Bank for safe custody by the Comptroller, Post Office, Government Promissory Notes which have been purchased for him through the Post Office. The tender must be made on the form prescribed by the Director-General, and the Notes tendered must be endorsed to the Comptroller, Post Office.

(2) A depositor may also, at any time, apply through the local post office for the delivery to him of any Government Promissory Notes which have been purchased for him through the Post Office. The application must be made in the form prescribed by the Director-General of the Post Office.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE POST OFFICE SAVINGS BANKS ACT, 1873 (V OF 1873)—*concld.*

Post Office Savings Banks, Rules, 1905—*concld.*

Interest on Government Securities.

49. So long as Government Securities purchased through the Post Office remain in the custody of the Comptroller, Post Office, under Rules 46 (3) and 48 (1) interest when due* will be drawn and advised to the local Post Office Savings Bank by the Comptroller, Post Office, for credit to the depositor's account. If the annual or total cash limit of the account is exceeded, the excess will not bear interest.

*NOTE.—In the case of Government securities represented by Investment Certificates, interest will, for the present, be due on the 1st May and 1st November of each year.

50. No fee, commission, or brokerage of any kind is charged for the purchase, sale, safe custody, or delivery out of custody of Government Securities bought through the Post Office or for the realisation and remittance of interest on such Securities. So long as Government Securities purchased through the Post Office remain in the custody of the Comptroller, Post Office, under Rules 46(3) and 48 (1) the interest thereon is exempt from income-tax.

Power of Government to alter Rules.

51. The Governor General in Council reserves the right to alter or add to these rules at any time.

[*See* Gazette of India, 1905, Pt. I, p. 158.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE MILITARY LUNATIC'S PROPERTY ACT, 1873 (XIV OF 1873).

Composition of Committees under the [1] Military Lunatic's Property Act, 1873 (XIV of 1873).

WITH reference to the above, *i.e.*, Act XIV of 1873, the Governor General in Council is pleased, in the exercise of the powers conferred on him by the "Lunatic Soldiers' Property Act, 1873," to direct that Committees for the purposes of the said Act shall be composed and appointed in the same manner as Committees of adjustment under clause 33 of the Regulations annexed to the Royal Warrant made on the 30th September, 1864, under the Regimental Debts Act, 1863, and shall be guided in their proceedings by clause 34 of the said regulations, in so far as the same may be found applicable.

Whenever such Committee may have in the exercise of the discretion allowed them by section 6 of the said "Lunatic Soldiers" Property Act, 1873," reserved from sale any portion of the lunatics property, they shall make a special report in the matter to the Military Secretary to the Government of the Presidency in which such property is situated, and shall be guided by such instructions as they may thereupon receive from him regarding the disposal of such property.

[*See* Gazette of India, 1874, Pt. I, p. 130.]

[1] Act XIV of 1873 was repealed by the Repealing and Amending Act, 1903 (I of 1903). The Act had alreay been virtually repealed and superseded by the Regimental Debts Act, 1893 (56 & 57 Vict., c. 5) and by the Indian Article of War Amendment Act, 1894 (XII of 1894).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE ADMINISTRATOR-GENERAL'S ACT, 1874 (II OF 1874).

Fees payable on applications for information to Administrator-General.

No. 2866, dated the 20th March, 1867.—Under section 31 of Act VIII of 1855, the Governor General in Council is pleased to direct that from and after the 1st April, 1867, the undermentioned fees shall be levied from parties seeking information from the office of the Administrator-General, *viz.*:—

For information on any single point in respect of which an advertisement has duly appeared.	One rupee.
For search for information regarding estates which have been wound up.	Four rupees per hour.

The above fees to be paid whether the search made has been successful or otherwise.

[*See* Gazette of India, 1867, Pt. I, p. 566.]

Native States included within the Presidencies for purposes of the Administrator-General's Act, 1874 (II of 1874).

No. 101-J. (Judicial), dated the 19th July, 1878.—In exercise of the power conferred by section 3 of Act II of 1874 (the Administrator-General's Act),[1] the Governor General in Council is pleased to direct that the dominions of Princes and States in India in alliance with Her Majesty shall, for the purposes of the said Act, be included in the Presidencies of Bengal, Madras, and Bombay, respectively as follows:—

In the Presidency of Bengal.

Cooch Behar.	Kalahandi,	Bonai.
Hill Tipperah.	Sonepur,	Sirguja.
Manipur.	Bamra, and Rehrakhol].	Jashpur.
The States in the Jynteah and Cossyah hills.	The Tributary Mehals of Cuttack.	Chang.
The [2][Political States] of Chota Nagpur.	[2][The following Tributary and Feudatory States:—	Bhakar.
[2] [The Feudatory States of—	Gangpur.	Udaipur.
Patna,		Korea.]

[1] General Acts, Vol. II.

[2] Altered and added respectively by Notification No. 3342-I. B., dated the 17th August, 1906, *see* Gazette of India, Pt. I, p. 585.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE ADMINISTRATOR-GENERAL'S ACT, 1874 (II OF 1874)—*contd.*

Native States included within the Presidencies for purposes of the Administrator-General's Act, 1874 (II of 1874)—*contd.*

In the Presidency of Bengal—contd.

Rampur.	Loharu.	Tonk, with the exception of Pirawa, Nibhera and Seronje.
Tehri (Garhwal).	Mailog.	
Baghal.	Maler Kotla.	Ulwar.
Baghat.	Mandi.	The Merwara parganas belonging to Mewar and Marwar.
Bahawalpur.	Mangul.	
Balsan.	Nabha.	Gwalior.
Bashahr.	Pataudi.	The whole State excepting the Sir Subahship of Malwa, and certain districts under the Sir Subah of Isagarh which are included in the Presidency of Bombay.
Bhajji.	Patiala.	
Bija.	Sangri.	
Chamba.	Sirmur (Nahan).	
Darkuti.	Suket.	Bundelkhand and Baghelkand States and Chiefships.
Dhami.	Taroch.	
Dujana.	Bhurtpore.	Ajaigarh.
Faridkot.	Bikanir.	Alipura.
Hindur (Nalagarh).	Boondee.	Baoni.
Jind.	Dholpore.	Baraunda.
Jubbal.	Jeypore.	Behat.
Jummoo and Kashmir.	Jesulmer.	Beri.
Kahlur (Bilaspur).	Jhalawar.	Bhasaunda.
Kalsia.	Jodhpore or Marwar.	Bijawar.
Kapurthala.	Kerauli.	Bijna.
Keonthal.	Kishengarh.	Charkhari.
Kumharsani.	Kotah.	Chhatarpur.
Kunhiar.	Lawa.	Daia.
Kuthar.	Shahpura.	Dhurwai.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE ADMINISTRATOR-GENERAL'S ACT, 1874 (II OF 1874)—*contd.*

Native States included within the Presidencies for purposes of the Administrator-General's Act, 1874 (II of 1874)—*contd.*

In the Presidency of Bengal—contd.

Garrauli.	Maihar.	Rewah.
Gauribar.	Nagode.	Samtha.
Jaso.	Nayagaon.	Sarila.
Jigni.	Orchha.	Sohawal.
Kamta Rajaula.	Pahari Banka.	Taraon.
Khaniadhana.	Pahra.	Tori Fatehpur.
Kothi.	Paldeo.	Holkar's district of Alampur.
Lughasi.	Panna.	

In the Presidency of Madras.

Banganapalli.	Puddocottah.	Taravancore.
Cochin.	Sundur.	The dominions of His Highness the Nizam of Hyderabad.

In the Presidency of Bombay.

Baroda.	The Satara Jaghirs.	Oodeypore or Mewar.
Cambay.	The Southern Mahratta States.	Partabgarh.
Cutch.	The States in Khandesh.	Sirohi.
Janjira.	The States in Kattywar.	The Jhalra Patum districts of Gangvar.
Jawhar.	The States in the Mahikanta.	Gangvar.
Kolharpur.	The States in Palunpur.	Pach Pahar.
Khairpur in Sind.	The States in the Rewakanta.	Dag.
Narukote.	The States in Surat.	The Tonk districts of—
*[1]	Banswara.	Pirawa.
Sawuntwari.	Dungarpur.	Nibhera.
Savanoor.		Seronje.

[1] Peint has been omitted in virtue of Notification No. 3442-I.B., dated the 17th August, 1906, *see* Gazette of India, 1906, Pt. I, p. 585.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE ADMINISTRATOR-GENERAL'S ACT, 1874 (II OF 1874)—*contd.*

Native States included within the Presidencies for purposes of the Administrator-General's Act, 1874 (II of 1874)—*concld.*

In the Presidency of Bombay—contd.

The Feudatory States in the Central Provinces.

*[1]

Bastar.

Kanker

***[1]

Kawarda.

Khairagarh.

Makrai.

Nandgaon.

*[1]

Raigarh Bagrah.

*[1]

Satki.

Sarangarh.

*[1]

Barwai.

Barwani.

Bhopal. The whole State.

Dewas.

Dhar.

Indore, The whole State excepting the district of Alampur.

Jaora.

Jabna.

Jobat.

Kathiwara.

Khilchipur.

Maksudangarh.

Mathwar.

Muhammadgarh.

Narsinghgarh.

Rajgarh.

Rajpur Ali.

Ratanmal.

Rutlam.

Sailana.

Sitamau.

Gwalior, districts of—

Agar.
Amjhera.
Bag.
Dikthan.
Mandsaur.
Neemuch.
Sagor.
Shujaulpur.
Sonkach.
Ujjain and Bhilsa.
Ganj Baroda.
Malhargarh.

With the several parganas subordinate thereto, included in the charge of Sindia's Sir Subah of Malwa.

With the several parganas subordinate thereto, which form part of the charge of Sindia's Sir Subah of Isagarh.

The States under the Western Malwa Agency.

The States under the Bhil Agency.

The States under the Deputy Bhil Agency.

The States under the Goona Agency.

2. The notification of this Department, No. 91-J., dated 26th May, 1874, is hereby cancelled.

[*See* Gazette of India, 1878, Pt. I, p. 438.]

[1] Omitted and placed under Bengal in virtue of Notification No. 3442-I. B., dated the 17th August, 1906, *see* Gazette of India, 1906, Pt. I, p. 585.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE ADMINISTRATOR-GENERAL'S ACT, 1874 (II OF 1874)—*concld.*

Territories of Khan of Kelat placed under Presidency of Bombay for purposes of Act II of 1874.

No. 812-E., dated the 19th April, 1890.—In exercise of the powers conferred by section 3 of the [1] Administrator-General's Act, II of 1874, and in supersession of Foreign Department Notification No. 510-E., dated the 2nd March, 1887, the Governor General in Council is pleased to direct, in continuation of Foreign Department Notification No. 101-J., dated the 19th July, 1878, that the territories of His Highness the Khan of Kelat and the territories administered by the Agent to the Governor General in Baluchistan as such, as regards British subjects of Her Majesty in those territories, be deemed to be included in the Presidency of Bombay.

[*See* Gazette of India, 1890, Pt. I, p. 247.]

Rules for the custody of assets, remittance of money, &c., under the Administrator-General's Act, 1874 (II of 1874).

[Not republished—new rules being under consideration.]

Remittances to India Office by Administrator-General.

No. 5519-A., dated the 16th October, 1902.—In exercise of the power conferred by section 57, clause (*b*), of the Administrator-General's Act, 1874 (II of 1874), the Governor General in Council is pleased to direct that the following rule shall be substituted for the rule published with the Notification of the Government of India in the Finance and Commerce Department, No. 2712, dated the 30th August, 1878, namely:

Rule.—For the purpose of remitting to the India Office any sum of money payable or belonging to any person resident in Europe or in other cases when such remittances are required, the Administrator-General of Bengal shall purchase bills of exchange payable in London at a time not more than six months from the date thereof drawn by such banks or firms as may be selected from time to time by or under general or special orders which the Governor General in Council may make in this behalf.

[*See* Gazette of India, 1902, Pt. I, p. 753.]

[1] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE EUROPEAN VAGRANCY ACT, 1874 (IX OF 1874).

Exemptions from first part of S. 25 of the European Vagrancy Act, 1869 (XXI of 1869).

[1]*No. 4830, dated the 20th October, 1870.*—In exercise of the power vested in him by section 25 of the European Vagrancy Act, 1869, His Excellency the Governor General in Council is pleased to exempt masters of steam or sailing vessels belonging to companies or registered owners from the operation of the first part of that section in respect of first class passengers on board such vessels.

[*See* Gazette of India, 1870, Pt. I, p. 723.]

European Vagrancy Rules.[1]

No. 4828, dated the 20th October, 1870.—In exercise of the power vested in him by section 34 of Act XXI of 1869 (an Act to provide against European Vagrancy), His Excellency the Governor General in Council is pleased to make the following rules for the guidance of officers in the administration of the Act:—

I.—The expression "person of European extraction" includes for the purposes of the Act and these Rules, (1) persons born in Europe, America, the West Indies, Australia, and New Zealand; and (2) the legitimate son of a father and grandson of a grandfather so born.

II.—For the arrest and custody of vagrants, European or Eurasian Police officers shall, whenever it may be practicable, be employed in preference to Native Police Officers.

III.—Whenever any person, apparently a vagrant, refuses or fails to comply with any requisition made by a Police Officer under section 4 of the Act,

whenever any person of European extraction commits an offence under section 23 of the Act in view of a Police Officer,

and whenever any Police Officer has reason to think that such offence has been, or is being, committed,

the person so refusing, failing or offending, may be forthwith arrested, without warrant by the Police Officer, for the purpose of being produced in the usual manner before the officer empowered to deal with the case.

IV.—The "subsistence allowance" of the vagrant shall not ordinarily be made over to him, but shall be kept and

[1] This Notification and these rules were issued under the Act of 1869. They are kept in force by S. 2 of Act IX of 1874. General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE EUROPEAN VAGRANCY ACT, 1874 (IX OF 1874)—*contd.*

European Vagrancy Rules—*contd.*

disbursed on his account by the Police or other officer in whose custody he is for the time being.

V.—No certificate shall be given under section 9, unless there be good ground for believing that the person applying for it is *bonâ fide* in search of employment, has a fair chance of obtaining it, and is of quiet and orderly behaviour.

VI.—The certificates shall be printed on parchment or paper of very durable character, and shall be in English, with translations in the two principal vernacular languages of the territories under the Local Government.

VII.—The time allowed under section 16 for search after employment, shall not ordinarily exceed two months, and shall not in any case exceed six months.

VIII.—In the Presidency Towns, the Commissioner of Police and elsewhere, Magistrates with full powers, being also Justices of the Peace, shall be competent to act on behalf of the Secretary of State in Council in making agreements under section 17.

IX.—All such agreements shall be executed in duplicate, and the officer executing on behalf of the Secretary of State in Council shall retain one of the copies.

X.—When an agreement has been entered into by a vagrant under section 17, he shall be forwarded, along with the original agreement, in the charge of a Police Officer to the Officer at the port of embarkation, who is empowered by the Local Government to receive vagrants; and thereafter, and until his embarkation, he shall remain in the custody of that officer, or of such other officer as the Local Government empowers in this behalf.

He shall during such time be entitled to subsistence allowance at eight annas per diem, to be disbursed as directed in Rule IV.

XI.—Local Governments within whose jurisdiction ports are situated shall make all necessary arrangements for the reception and custody of vagrants sent for deportation by other Local Governments or authorities in the interior. They will from time to time, as may be necessary, give notice of such arrangements to the forwarding authorities.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE EUROPEAN VAGRANCY ACT, 1874 (IX OF 1874)—*concld.*

European Vagrancy Rules—*concld.*

XII.—Road expenses shall be provided by the forwarding authority. All further expenses incurred in proceedings under Chapter IV of the Act shall be defrayed by the Local Government of the port of embarkation on account of the Secretary of State in Council.

XIII.—No agreement for deportation shall be entered into with any person of European extraction born in this country, and who has never been out of it, unless he satisfies the Local Government that he is likely to gain a livelihood in some place out of India.

XIV.—The officers empowered to direct the deportation of vagrants will see that no unnecessary time is lost for providing passage for those who have entered into agreements to be deported. As a rule, Europeans should be sent to Europe, Americans to America, West Indians to the West Indies, Australians to Australia, and New Zealanders to New Zealand. But the local authorities will exercise their discretion in sending vagrants to other countries than their own, when it appears that such a course will be for their advantage and that they will be favourably received on arriving at their destination.

XV.—Descriptive rolls and, as far as possible, photographs of all persons deported shall be kept by the Local Governments or Administrations within whose territory the ports are situated.

[*See* Gazette of India, 1870, Pt. I, p. 72.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN LAW REPORTS ACT, 1875 (XVIII OF 1875).

Indian Law Reports Rules.

No. 14, dated the 7th August, 1885.—The Governor General in Council has been pleased to make the following rules in regard to the publication of the Indian Law Reports, in supersession of those published with Notification No. 3, dated 24th January, 1878 :—

[1] *Calcutta Series.*

Madras Series.

1. A Reporter shall be appointed for the High Court of Madras, and shall work under the supervision of a Council to be constituted as follows :—

A Judge of the High Court.
The Advocate-General.
One other Member of the Bar.
One Solicitor.
One Vakil.

The Judge, Member of the Bar, Solicitor and Vakil shall from time to time be appointed by the Chief Justice.

2. The Reporter shall be appointed and paid by the Governor General in Council.

3. The Reporter shall be primarily responsible for the selection and form of the reports, but on all questions of principle he shall consult, and be guided by, the Council.

4. The entire supervision of the literary work and editing of the reports, including such arrangements as may be needed to ensure the report of each case being ready for the press as soon as possible after judgment is delivered, will rest with the Council, the Local Government being responsible for all arrangements connected with printing, publication and distribution.

5. If the Judge or Judges who decided any case desires or desire that it should not be reported, it shall not be reported.

6. If the Court or the Chief Justice desires that the Reporter shall consult it or him, or any Committee appointed by it or by him on any case or matter, it shall be his duty to do so.

7. If the Court or the Chief Justice desires that any case decided by the Court or by any Division or Judge thereof shall be reported,

[1] The rules for the Calcutta series have been superseded by those published in Notification No. 19, dated the 31st August, 1894, *infra*, p. 358.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN LAW REPORTS ACT, 1875 (XVIII OF 1875)—*contd.*

Indian Law Reports Rules—*contd.*

and signifies such desire to the Reporter, the case shall, subject to rule 5, be reported and published.

8. The Council may, with the approval of the Chief Justice, make rules of business for the Council.

9. The reports shall be published under the authority of the Governor General in Council, and the Council is hereby empowered to publish them under such authority.

10. In framing reports regard shall be had to the following general rules and principles :—

(*a*) Every report ought to contain a statement of all facts necessary for a due understanding of the decision.

(*b*) Reports ought not to state any facts which are clearly unnecessary for a due understanding of the decision.

(*c*) In judging whether to insert or to omit a statement of facts it is better to err on the side of over-statement than of under-statement.

(*d*) It is not meant that the Reporter must state the facts over again if there is a clear, full and consecutive statement of them in the judgment.

(*e*) As a general rule, cases for which a full statement of facts cannot be obtained are not to be reported.

(*f*) As a general rule, every report ought to contain a statement of the arguments of counsel, sufficient to show what points were pressed upon the Court.

(*g*) The Reporter should note any material bearing which the decision may have on other decisions or on any principle of law, and which is not otherwise apparent on the face of the report.

(*h*) Every report ought to contain a full copy or account of the judgment delivered by the Court and by each Judge thereof, or of so much of the judgment as bears on the point for which the case is reported.

(*i*) As a general rule, cases turning upon evidence or inferences of fact, cases relating to the construction of private documents, and, generally, cases which do not illustrate some principle of law or some important bearing of an enactment in a way not covered by previous decisions, ought not to be reported.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN LAW REPORTS ACT, 1875 (XVIII OF 1875)—*contd.*

Indian Law Reports Rules—*contd.*

(*f*) In selecting cases for report, the Reporter is to be guided by the weight and importance of the decision, and the existence of materials for a satisfactory report, and is not to abstain from reporting a case merely because he may think the decision to be erroneous, or to be in conflict with other decisions.

Bombay Series.[1]

1. A Reporter shall be appointed for the High Court of Bombay, and shall work under the supervision of a Council to be constituted as follows :—

The Chief Justice.

Two Puisne Judges.

The Advocate-General.

The Government Pleader.

The two Puisne Judges shall from time to time be selected by the High Court.

2. The Reporter shall be appointed and paid by the Governor General in Council.

3. The Local Government shall be responsible for all arrangements connected with the printing, publication and distribution of the reports.

4. The Council may, with the approval of the Chief Justice, make rules of business for the Council.

5. The reports shall be published under the authority of the Governor General in Council, and the Council is hereby empowered to publish them under such authority.

6. Subject to such instructions as may, from time to time, with the approval of the Chief Justice, be issued by the Council, regard shall be had in framing reports to the following general rules and principles :—

(*a*) Every report ought to contain a statement of all facts necessary for a due understanding of the decision.

(*b*) Reports ought not to state any facts which are clearly unnecessary for a due understanding of the decision.

(*c*) In judging whether to insert or to omit a statement of facts, it is better to err on the side of over-statement than of under-statement.

[1] The rules for Bombay have also been superseded in 1904, but they have not been published.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN LAW REPORTS ACT, 1875 (XVIII OF 1875)—*contd.*

Indian Law Reports Rules—*contd.*

(*d*) It is not meant that the Reporter must state the facts over again if there is a clear, full and consecutive statement of them in the judgment.

(*e*) As a general rule, cases for which a full statement of facts cannot be obtained are not to be reported.

(*f*) As a general rule, every report ought to contain a statement of the arguments of counsel, sufficient to show what points were pressed upon the Court.

(*g*) The Reporter should note any material bearing which the decision may have on other decisions or on any principle of law, and which is not otherwise apparent on the face of the report.

(*h*) Every report ought to contain a full copy or account of the judgment delivered by the Court and by each Judge thereof, or of so much of the judgment as bears on the point for which the case is reported.

(*i*) As a general rule, cases turning upon evidence or inferences of fact, cases relating to the construction of private documents, and, generally, cases which do not illustrate some principle of law or some important bearing of an enactment in a way not covered by previous decisions, ought not to be reported.

(*j*) In selecting cases for report, the Reporter is to be guided by the weight and importance of the decision, and the existence of materials for a satisfactory report, and is not to abstain from reporting a case merely because he may think the decision to be erroneous, or to be in conflict with other decisions.

Allahabad Series.

1. A Reporter shall be appointed for the High Court of the North-Western Provinces, and shall work under the supervision of a Council to be constituted as follows :—

One Puisne Judge.

Two Barristers.

Two Vakils of the Court.

Each of the above shall from time to time be appointed by the Chief Justice.

2. The Reporter shall be appointed and paid by the Governor General in Council.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN LAW REPORTS ACT, 1875 (XVIII OF 1875)—*contd.*

Indian Law Reports Rules—*contd.*

3. The Reporter shall be primarily responsible for the selection and form of the reports, but on all questions of principle he shall consult, and be guided by, the Council.

4. The entire supervision of the literary work and editing of the reports, including such arrangements as may be needed to ensure the report of each case being ready for the press as soon as possible after judgment is delivered, will rest with the Council; the Local Government being responsible for all arrangements connected with printing, publication and distribution.

5. If the Judge or Judges who decided any case desires or desire that it should not be reported, it shall not be reported.

6. If the Court or the Chief Justice desires that the Reporter shall consult it or him, or any Committee appointed by it or by him on any case or matter, it shall be his duty to do so.

7. If the Court or the Chief Justice desires that any case decided by the Court or by any Division or Judge thereof shall be reported, and signifies such desire to the Reporter, the case shall, subject to rule 5, be reported and published.

8. The Council may, with the approval of the Chief Justice, make rules of business for the Council.

9. The reports shall be published under the authority of the Governor General in Council, and the Council is hereby empowered to publish them under such authority.

10. In framing reports regard shall be had to the following general rules and principles:—

(*a*) Every report ought to contain a statement of all facts necessary for a due understanding of the decision.

(*b*) Reports ought not to state any facts which are clearly unnecessary for a due understanding of the decision.

(*c*) In judging whether to insert or to omit a statement of facts, it is better to err on the side of over-statement than of under-statement.

(*d*) It is not meant that the Reporter must state the facts over again if there is a clear, full and consecutive statement of them in the judgment.

(*e*) As a general rule, cases for which a full statement of facts cannot be obtained are not to be reported.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN LAW REPORTS ACT, 1875 (XVIII OF 1875)—*contd.*

Indian Law Reports Rules—*concld.*

(*f*) As a general rule, every report ought to contain a statement of the arguments of counsel, sufficient to show what points were pressed upon the Court.

(*g*) The Reporter should note any material bearing which the decision may have on other decisions or on any principle of law, and which is not otherwise apparent on the face of the report.

(*h*) Every report ought to contain a full copy or account of the judgment delivered by the Court and by each Judge thereof, or of so much of the judgment as bears on the point for which the case is reported.

(*i*) As a general rule, cases turning upon evidence or inferences of fact, cases relating to the construction of private documents, and generally cases which do not illustrate some principle of law or some important bearing of an enactment in a way not covered by previous decisions, ought not to be reported.

(*j*) In selecting cases for report, the Reporter is to be guided by the weight and importance of the decision, and the existence of materials for a satisfactory report, and is not to abstain from reporting a case merely because he may think the decision to be erroneous, or to be in conflict with other decisions.

[*See* Gazette of India, 1885, Pt. I, p. 431.]

Revised Rules for the Calcutta Series, Indian Law Reports.

No. 19, dated the 31st August, 1894.—In supersession of that portion of the Notification in this Department, No. 14,[1] dated the 7th August, 1885, which relates to the Calcutta Series of the Indian Law Reports, the Governor General in Council has been pleased to make the following rules in regard to the publication of the said series:—

1. The Reports will be published under the supervision of a Council to be constituted as follows:

The Judges of the High Court, Calcutta, nominated by the Court.

A Barrister nominated by the Advocates of the said High Court.

[1] *Supra*, page 353.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN LAW REPORTS ACT, 1875 (XVIII OF 1875)—*concld.*

Revised Rules for the Calcutta Series, Indian Law Reports—*concld.*

A Vakil nominated by the Vakils practising in the said High Court.

An Attorney nominated by the Attorneys duly authorized to practise in the said High Court.

2. Each member of the Council shall continue in office for one year from the date of his nomination and no longer; but any retiring member may be re-nominated for a further term of one year, and so on as often as the nominating body shall please.

3. The Hon'ble the Chief Justice on behalf of the Court, the Hon'ble the Advocate-General on behalf of the Bar, the Senior Government Pleader on behalf of the Vakils, and the President of the Attorneys' Association on behalf of the Attorneys, are hereby respectively authorised to take such steps as may be necessary for giving effect to the foregoing regulations.

4. The Council shall have the sole power of fixing the number of Reporters and the amount of their remuneration, and of appointing, suspending and dismissing them; and it shall have authority to frame such rules as it may deem fit for the guidance of the Reporters in the preparation and publication of the Reports and generally in the discharge of their duties.

5. The Governor General in Council will place at the disposal of the Council the sum of Rs. 1,862 per mensem, or such other sum as may from time to time be sanctioned for the purpose, for or towards the remuneration of the Reporters and the defraying of the cost of their office establishment and stationery.

6. The Local Government will be responsible for all arrangements connected with printing, publication and distribution of the reports.

7. The reports shall be published under the authority of the Governor General in Council, and the Council constituted under these rules is hereby empowered to publish them under such authority.

[*See* Gazette of India, 1894, Pt. I, p. 489.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876).

Declaration as to currency of Alwar Coinage in British India.

No. 557-F., dated the 9th November, 1877.—Whereas His Highness the Maharao Raja of Alwar (Alwar being a Native State within the meaning of the [1]Native Coinage Act, 1876) has, pursuant to the authority contained in section 5 of the said Act, sent to the Mint of Calcutta silver to be coined under the said Act into two lakhs of rupees, and has requested the Governor General of India in Council to declare that a tender of payment of money, if made in the said coins, shall be a legal tender in British India: And whereas the said silver has been coined into rupees and their fineness is identical with that prescribed by law for rupees of the Government of India, and they are identical in weight with the rupees of the Government of India, and the devices upon their obverse and reverse differ from the devices on coins now made or issued by the said State, and have been approved by the Governor General in Council, and upon each of such rupees its value in money of the Government of India is inscribed in the English language: And whereas His Highness the said Maharao Raja of Alwar has for himself and his successors undertaken to abstain during a term of thirty years from the date of this notification from coining silver in his own Mint, and has also undertaken that no coins resembling silver coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under the authority of himself or his successors or with his or their permission at any place within or without his or their jurisdiction: And whereas His Highness the said Maharao Raja of Alwar has normally declared that a tender of payment of money if made in silver coins of the Government of India shall, in the territories subject to His Highness, be a legal tender in cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India: And whereas His Highness the said Maharao Raja of Alwar has agreed for himself and his successors that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for the said State under the said Act, and that the said State will defray the cost of cutting and breaking them: And whereas His Highness the said Maharao Raja of Alwar has also agreed for himself and his successors not to issue the said coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation: And whereas His Highness the said Maharao Raja of Alwar has also agreed for himself and his successors that if at any time the Government of India calls

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*contd.*

Declaration as to currency of Alwar Coinage in British India—*concld.*

in its coinage of rupees, His Highness or his successors will, if so requested by the Government of India, call in, at his or their own expense, all the said rupees so coined for him :

The Governor General of India in Council, in consideration of the premises and in exercise of the power conferred by the Native Coinage Act, 1876, section 3, is pleased to declare that a tender of payment of money, if made in the said rupees coined under the said Act, for the said State of Alwar, shall, subject to the provisions of the Indian Coinage Act, 1876, be a legal tender in British India.

[*See* Gazette of India, 1877, Pt. I, p. 664.]

Bikanir Rupees coined at the Bombay Mint declared to be legal tender.

No. 1356-I., dated the 21st April, 1893.—Whereas His Highness the Maharaja of Bikanir (Bikanir being a Native State within the meaning of the [1]Native Coinage Act, IX of 1876) has, pursuant to the authority contained in section 5 of the said Act, sent to the Mint of Bombay silver which has been coined under the said Act into one lakh, one thousand, five hundred and twenty rupees, and has requested the Government of India to declare that a tender of payment of money, if made in rupees so coined, shall be a legal tender in British India :

And whereas the silver so sent has been coined into rupees of fineness identical with that prescribed by law for rupees of the Government of India :

And whereas the rupees so coined are identical in weight with the rupees of the Government of India and the devices upon their obverse and reverse differ from the devices on coins now made or issued by the Bikanir State, and have been approved by the Governor General in Council, and upon each of the rupees so coined its value in money of the Government of India is inscribed in the English language :

And whereas the said Maharaja, on behalf of himself, his heirs and successors, has undertaken to abstain, during a term of thirty years from the date of this notification, from coining silver and copper in his own Mint, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under his or their authority or with his or their permission at any place within or without his or their jurisdiction :

[1] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*contd.*

Bikanir Rupees coined at the Bombay Mint declared to be legal tender—*contd*

And whereas the said Maharaja has formally declared that a tender of payment of money, if made in silver coins of the Government of India, shall, in the territories subject to His Highness, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India:

And whereas the said Maharaja for himself, his heirs, and successors has agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for the said Bikanir State under the said Act, and that the said State will defray the cost of cutting and breaking them:

And has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation:

And has also agreed that, if at any time the Government of India call in their coinage in silver and copper, he, the said Maharaja, his heirs, or successors, will, if so requested by the Government of India, call in, at his or their own expense, all the said rupees so coined for him:

Now, therefore, the Governor General in Council, in consideration of the premises and in exercise of the power conferred by the [1]Native Coinage Act (IX of 1876), section 3, is pleased to declare that a tender of payment of money, if made in the said rupees coined under the said Act for the said State of Bikanir, shall, subject to the provisions of the Indian Coinage Act (XXIII of 1870), be a legal tender in British India.

[*See* Gazette of India, 1893, Pt. I, p. 213.]

No. 2592-I., dated the 26th July, 1893.—Whereas His Highness the Maharaja of Bikanir (Bikanir being a Native State within the meaning of the [1]Native Coinage Act, IX of 1876) has, pursuant to the authority contained in section 5 of the said Act, sent to the Mint of Bombay silver which has been coined under the said Act into two lakhs of rupees, and has requested the Government of India to declare that a tender of payment of money, if made in rupees so coined, shall be a legal tender in British India:

[1] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*contd.*

Bikanir Rupees coined at the Bombay Mint declared to be legal tender—*contd.*

And whereas the silver so sent has been coined into rupees of fineness identical with that prescribed by law for rupees of the Government of India:

And whereas the rupees so coined are identical in weight with the rupees of the Government of India, and the devices upon their obverse and reverse differ from the devices on coins now made or issued by the Bikanir State, and have been approved by the Governor General in Council, and upon each of the rupees so coined its value in money of the Government of India is inscribed in the English language:

And whereas the said Maharaja, on behalf of himself, his heirs and successors, has undertaken to abstain during a term of thirty years from the date of this notification, from coining silver and copper in his own mint, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under his or their authority or with his or their permission at any place within or without his or their jurisdiction:

And whereas the said Maharaja has formally declared that a tender of payment of money, if made in silver coins of the Government of India, shall, in the territories subject to His Highness, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India.

And whereas the said Maharaja for himself, his heirs, and successors has agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for the said Bikanir State under the said Act, and that the said State will defray the cost of cutting and breaking them:

And has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation:

And has also agreed that, if at any time the Government of India call in their coinage in silver and copper, he, the said Maharaja, his heirs, or successors, will, if so requested by the Government of India, call in at his or their own expense, all the said rupees so coined for him:

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*contd.*

Bikanir Rupees coined at the Bombay Mint declared to be legal tender—*contd.*

Now, therefore, the Governor General in Council, in consideration of the premises and in exercise of the power conferred by the [1] Native Coinage Act (IX of 1876), section 3, is pleased to declare that a tender of payment of money, if made in the said rupees coined under the said Act for the said State of Bikanir, shall, subject to the provisions of the Indian Coinage Act (XXIII of 1870), be a legal tender in British India.

[*See* Gazette of India, 1893, Pt. I, p. 428.]

No. *3117-I., dated the 6th September, 1893.*—Whereas His Highness the Maharaja of Bikanir (Bikanir being a Native State within the meaning of the [1]Native Coinage Act, IX of 1876) has, pursuant to the authority contained in section 5 of the said Act, sent to the Mint of Bombay silver which has been coined under the said Act into one lakh and ninety thousand rupees, and has requested the Government of India to declare that a tender of payment of money, if made in rupees so coined, shall be a legal tender in British India:

And whereas the silver so sent has been coined into rupees of fineness identical with that prescribed by law for rupees of the Government of India:

And whereas the rupees so coined are identical in weight with the rupees of the Government of India, and the devices upon their obverse and reverse differ from the devices on coins now made or issued by the Bikanir State, and have been approved by the Governor General in Council, and upon each of the rupees so coined its value in money of the Government of India is inscribed in the English language:

And whereas the said Maharaja, on behalf of himself, his heirs and successors has undertaken to abstain during a term of thirty years from the date of this notification, from coining silver and copper in his own Mint, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under his or their authority or with his or their permission at any place within or without his or their jurisdiction:

And whereas the said Maharaja has formally declared that a tender of payment of money, if made in silver coins of the Government of India, shall, in the territories subject to His Highness, be a

[1] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*contd.*

Bikanir Rupees coined at the Bombay Mint declared to be legal tender—*contd.*

legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India:

And whereas the said Maharaja for himself, his heirs and successors has agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for the said Bikanir State under the said Act, and the said State will defray the cost of cutting and breaking them:

And has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation:

And has also agreed that, if at any time the Government of India call in their coinage in silver and copper, he, the said Maharaja, his heirs and successors, will, if so requested by the Government of India, call in at his or their own expense, all the said rupees so coined for him:

Now, therefore, the Governor General in Council, in consideration of the premises and in exercise of the power conferred by the [1]Native Coinage Act (IX of 1876), section 3, is pleased to declare that a tender of payment of money, if made in the said rupees coined under the said Act for the said State of Bikanir, shall, subject to the provisions of the Indian Coinage Act (XXIII of 1870), be a legal tender in British India.

[*See* Gazette of India, 1893, Pt. I, p. 517.]

No. 1131-I., dated 29th March, 1894.—Whereas His Highness the Maharaja of Bikanir (Bikanir being a Native State within the meaning of the [1]Native Coinage Act, IX of 1876) has, pursuant to the authority contained in section 5 of the said Act, caused to be provided at the Mint of Bombay silver which has been coined under the said Act into four lakhs and ten thousand rupees, and has requested the Government of India to declare that a tender of payment of money, if made in rupees so coined, shall be a legal tender in British India:

And whereas the silver so provided has been coined into rupees of fineness identical with that prescribed by law for rupees of the Government of India:

And whereas the rupees so coined are identical in weight with the rupees of the Government of India and the devices upon their

[1] General Acts, Vol. II.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*contd.*

Bikanir Rupees coined at the Bombay Mint declared to be legal tender—*concld.*

obverse and reverse differ from the devices on coins now made or issued by the Bikanir State, and have been approved by the Governor General in Council, and upon each of the rupees so coined its value in money of the Government of India is inscribed in the English language :

And whereas the said Maharaja on behalf of himself, his heirs and successors has undertaken to abstain, during a term of thirty years from the date of this notification, from coining silver and copper in his own Mint, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under his or their authority or with his or their permission at any place within or without his or their jurisdiction :

And whereas the said Maharaja has formally declared that a tender of payment of money, if made in silver coins of the Government of India, shall, in the territories subject to His Highness, be a legal tender in the cases in which payment made in such coins would under the law for the time being in force, be a legal tender in British India :

And whereas the said Maharaja, for himself, his heirs, and successors, has agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for the said Bikanir State under the said Act, and that the said State will defray the cost of cutting and breaking them :

And has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation :

And has also agreed that, if at any time the Government of India call in their coinage in silver and copper, he, the said Maharaja, his heirs, or successors, will, if so requested by the Government of India, call in at his or their own expense, all the said rupees so coined for him :

Now, therefore, the Governor General in Council, in consideration of the premises and in exercise of the power conferred by the [1]Native Coinage Act (IX of 1876), section 3, is pleased to declare that a tender of payment of money, if made in the said rupees coined under the said Act for the said State of Bikanir, shall, subject to the provisions of the [2] Indian Coinage Act (XXIII of 1870), be a legal tender in British India.

[*See* Gazette of India, 1894, Pt. I, p. 187.]

[1] General Acts, Vol. II.

[2] *See* now the Indian Coinage Act, 1906 (III of 1906).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*contd.*

Dhar copper coinage declared to be legal tender.

No. 171-I., dated the 13th January, 1888.—Whereas His Highness the Maharaja of Dhar (Dhar being a Native State within the meaning of the [1]Native Coinage Act, 1876) has asked the Government of India to have copper coins of the denominations current in British India made under the said Act at the mints of the Government of India for the Dhar State, to the aggregate nominal value of (Rs. 22,756-2) twenty-two thousand seven hundred and fifty-six rupees and two annas, such being the amount estimated as requisite for circulation in the said State: And whereas the said coins have been made, and are identical in weight with the coins of the Government of India of the same metal, and the devices upon their obverse and reverse, which differ from the devices on coins now made or issued by the said State, have been approved by the Governor General in Council, and upon each of such coins its value in money of the Government of India is inscribed in the English language: and whereas the said Maharaja has undertaken, for himself and his successors, to take back at its nominal value all coins so made which may accumulate in British treasuries: And whereas the said Maharaja has undertaken for himself and his successors to abstain during a term of thirty years from the date of this notification from coining in his own mint any copper coins, and has also undertaken for himself and his successors that no coins resembling coins for the time being a legal tender in British India, shall, after the expiration of the said term of thirty years, be struck under the authority of himself or his successors, or with his or their permission, at any place within or without his or their jurisdiction:

And whereas the said Maharaja has formally declared that a tender of payment of money if made in the copper coins of the Government of India shall, in the territories subject to His Highness, be a legal tender in cases in which payment made in such coins would under the law for the time being in force, be a legal tender in British India: And whereas the said Maharaja has agreed, for himself and his successors, that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation shall apply to the coins made for the said State under the said Act, and that the said State will defray the cost of cutting and breaking them: And whereas the said Maharaja has also agreed for himself and his successors not to issue the said coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation: And whereas the said Maharaja has also agreed for himself and his successors that, if at any time the Government of India calls in its coinage of

[1] General Acts, Vol. II.

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NATIVE COINAGE ACT, 1876 (IX OF 1876)—*concld.*

Dhar copper coinage declared to be legal tender—*concld.*

copper of any or of all denominations, His Highness or his successors will, if so requested by the Government of India, call in, at his or their own expense, all or any denominations of the said copper coins coined for him:

The Governor General in Council in consideration of the premises, and in exercise of the power conferred on him by section 3 of the [1] Native Coinage Act, IX of 1876, is pleased to declare that a tender of payment of money if made in the said copper coins made under the said Act for the said State of Dhar, shall, subject to the provisions of section 14 of the [2] Indian Coinage Act, XXIII of 1870, be a legal tender in British India.

[*See* Gazette of India, 1888, Pt. I, p. 18.]

[1] General Acts, Vol. II.
[2] *See* now the Indian Coinage Act, 1906 (III of 1906).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE MILITARY LUNATICS ACT, 1877 (XI OF 1877).

Reception of European soldiers by the Rangoon Lunatic Asylum.

No. 668-J, dated the 28th June, 1895.—In exercise of the power conferred by section 3 of the [1] Military Lunatics Act, XI of 1877, as amended by the Repealing and Amending (Army) Act, XIII of 1894, the Governor General in Council is pleased to declare that the Rangoon Lunatic Asylum shall be a duly authorised Lunatic Asylum for the reception of such European officers, warrant officers, non-commissioned officers, soldiers, or other persons subject to the provisions of the Army Act, who shall have been declared to be lunatics in accordance with the Military Regulations in force for the time being as the medical officer authorsed in this behalf, under that section may, by order, under his hand, direct.

[*See* Gazette of India, 1895, Pt. I, p. 579.]

[1] General Acts, Vol. III.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE OPIUM ACT, 1878 (I OF 1878)—*contd.*

Duty on Opium per chest.

No. 2930-A., dated the 6th May, 1904.—In exercise of the power conferred by section 6 of Act I of 1878 (The Opium Act, 1878), the Governor General in Council is pleased to increase, by one hundred rupees per chest, the duty on opium imported by land into the Presidency of Bombay for exportation by sea from the Port of Bombay.

Accordingly, it is hereby notified that, till further orders, all opium imported by land into the Presidency of Bombay, and covered by a pass for exportation by sea from the Port of Bombay, granted in accordance with Rule 16 of the rules made under the Opium Act, 1878, published by the Government of Bombay in their Notification No. 4472-A., dated 3rd June, 1885, shall be subject to the following duty upon each chest weighing 140¼ net avoirdupois weight, *viz.*:—

	Rs.
When the pass for such Opium is granted at Ajmer ...	625
When the pass for such Opium is granted elsewhere ...	600

[*See* Gazette of India, 1904, Pt. I, p. 320.]

Duty on Opium other than Malwa imported into the Punjab.

No. 4713-S. R, dated the 5th October, 1895.—In exercise of the powers conferred by section 6 of the [1]Opium Act (I of 1878), the Governor General in Council is pleased to direct that duty at the rate of rupees two per seer shall be imposed, with effect from the 1st April, 1896, upon all opium imported into the Punjab other than Malwa opium.

[*See* Gazette of India, 1895, Pt. I, p. 834.]

Duty on Malwa Opium imported into the Punjab through Ajmer.

No. 2307-Ex., dated the 18th May, 1898.—In exercise of the power conferred by section 6 of the [1]Opium Act, 1878 (I of 1878), and in supersession of the notification in this Department, No. 1546, dated the 22nd March, 1889, the Governor General in Council is pleased to direct that duty at the rate of Rs. 280 shall be levied, with effect from the 1st April, 1898, on each chest of Malwa opium of 140¼ lb. avoirdupois net weight, imported into the Punjab through Ajmer.

[*See* Gazette of India, 1898, Pt. I, p. 512.]

[1] General Acts, Vol. III.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE OPIUM ACT, 1878 (I OF 1878)—*concld.*

Duty on Opium imported into Burma.

No. 948-S. R., dated the 26th February, 1896.—In exercise of the powers conferred by section 6 of the [1]Opium Act (I of 1878), the Governor General in Council is pleased, in supersession of the Notification of the Government of India in the Department of Finance and Commerce, No. 5074, dated the 15th September, 1888, to direct that duty at the rate of Rs. 17 a viss shall, with effect from the 1st April, 1896, be levied on all opium imported into Upper Burma (except the Shan States).

[*See* Gazette of India, 1896, Pt. I, p. 146.]

[1] General Acts, Vol. III.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878).

Travancore and Cochin Ports declared to be British Indian Ports.

No. 1131, dated the 13th June, 1865.—Under the provisions of section 12 of [1]Act VI of 1863, and in the exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of the Native States of Cochin and Travancore to be British Indian ports for the purposes of section 18, section 141, and sections 149 to 160 of the same Act, in so far as the said sections or any of them are capable of being applied with respect to such ports. This declaration is to have effect from the 1st June, 1865.

[*See* Gazette of India, 1865, Pt. I, p. 780.]

Gaekwar's Ports and the ports of Bhownuggur declared to be British Indian Ports.

No. 1180, dated the 26th June, 1866.—Under the provisions of section 12 of [1]Act VI of 1863, and in the exercise of the power and authority therein reserved, the Governor General in Council is pleased to declare the ports of His Highness the Gaekwar, the Thakoor of Bhownuggur, and the Nawab of Cambay, to be British Indian ports for the purposes of section 18, section 141, and sections 149 to 160 of the same Act, in so far as the said sections or any of them are capable of being applied with respect to such ports.

[*See* Gazette of India, 1866, Pt. I, p. 908.]

Port of Cambay declared to be customs port for certain purposes.

No. 2559, dated the 1st August, 1884.—In exercise of the power conferred by section 13 of the [2]Sea Customs Act, VIII of 1878, and in supersession of so much of Notification [3]No. 1180, dated the 26th June, 1866, as relates to the Port of Cambay, the Governor General in Council is pleased to direct that all goods imported from, or exported to, the said port into or from any customs port in British India shall be treated, as regards the levy of customs duties and the payment of drawbacks under the said Act, as goods imported from, or exported to, a customs port, as the case may be.

[*See* Gazette of India, 1884, Pt. I, p. 282.]

[1] *See* now the Customs Act, 1878 (VIII of 1878), by s. 2 of which these notifications are kept in force.
[2] *See* the reprint as modified up to 1st February, 1904.
[3] *Supra.*

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Ports in Habsan territories declared to be customs ports for certain purposes.

No. 35-S., dated the 23rd January, 1885.—In exercise of the power conferred by section 13 of the [1]Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to direct that all goods imported from, or exported to, ports in the territory of the Nawab of Habsan into, or from, any customs port in British India, shall be treated, as regards the levy of customs duties and the payment of drawback under the said Act, as goods imported from, or exported to, a customs port, as the case may be.

[*See* Gazette of India, 1885, Pt. I, p. 142.]

Prohibition of import and export of arms, etc., into British India.

No. 2251, dated the 16th August, 1879.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, 1878, the Governor General in Council prohibits the bringing or aking by sea or by land into or out of British India, of arms, ammunition or military stores, as defined in the Indian Arms Act, 1878, except in accordance with the provisions of that Act and the rules and orders issued thereunder.

[*See* Gazette of India, 1879, Pt. I, p. 565.]

Prohibition of import of cotton goods impressed with designs of Currency and other Notes into British India.

No. 4878, dated the 10th November, 1882.—In exercise of the powers conferred by section 19 of the [1]Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the importation into ports in British India of cotton goods impressed with designs in imitation of Currency Notes, Promissory Notes, or Stock Notes of the Government of India. This order shall come into force from the 1st of March, 1883

[*See* Gazette of India, 1882, Pt. I, p. 463.]

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Prohibition as to import of dynamite, etc., into British India, except under certain conditions.

No. 1926, dated the 6th July, 1883.—The Notification of this Department, No. 666, dated the 4th May, 1883, is hereby cancelled, and the following issued in substitution thereof:—

Whereas it appears to the Governor General in Council desirable that precautions should be taken to prevent the importation of impure explosives into British India, His Excellency in Council, in exercise of the powers vested in him by section 19 of the [1]Sea Customs Act, VIII of 1878, is pleased, as a temporary measure, pending legislation on the subject, to prohibit the bringing or taking by sea or land into British India of dynamite and of all analogous preparations of nitro-glycerine, unless—

(*a*) the custom-house authorities are satisfied on the report of the Chemical Examiner or of some other chemist appointed in this behalf by the Local Government that the explosive comprised in the consignment are free from exudation and satisfy the "heat test" applied by Her Majesty's Inspectors of Explosives in England; or

(*b*) that the consignment is covered by a certificate of one of Her Majesty's Inspectors of Explosives in England showing that samples were taken from bulk before shipment and satisfied the tests applied by such Inspectors.

[*See* Gazette of India, 1883, Pt. I, p. 285.]

Prohibition of import into British India of pieces of metal resembling Indian silver Currency.

No. 88-S., dated the 22nd March, 1887.—In exercise of the powers conferred by section 19 of the [1]Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of pieces of metal resembling in shape and in size, and stamped either on the obverse or on the reverse in imitation of rupees, half-rupees, quarter-rupees and eighth-rupees. This order shall come into force from the 1st June next.

[*See* Gazette of India, 1887, Pt. I, p. 171.]

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Prohibition of import into British India of pieces of metal, other than coin to be used as money except under certain conditions.

No. 625, dated the 1st February, 1889.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of pieces of copper or mixed metal which, not being coin as defined in the Indian Penal Code, are intended to be used as money:

Provided that the bringing of such pieces into British India by a traveller in quantity not exceeding one hundred pieces and in good faith for his own use, shall not be deemed to be prohibited by this notification.

2. In exercise of the power conferred by section 6 of the [2]Metal Tokens Act, I of 1889, the Governor General in Council is further pleased to direct—

(*a*) that any person bringing pieces of copper into British India in contravention of the foregoing prohibition under section 19 of the [1]Sea Customs Act, 1878, shall be liable to the punishment to which he would be liable if he were convicted under the [2]Metal Tokens Act, I of 1889, of making in British India, in contravention of section 3 of that Act, any such piece as is mentioned in that section, and

(*b*) that the provisions of sub-section (*3*) of section 4, and sub-section (*1*) of section 5 of the [2]Metal Tokens Act, I of 1889, in relation to the offence of making in British India, in contravention of section 3 of that Act, any such piece as is mentioned in that section, shall apply, so far as they can be made applicable, to the offence of contravening the foregoing prohibition under section 19 of the Sea Customs Act, 1878.

[*See* Gazette of India, 1889, Pt. I, p. 76.]

Prohibition of import of certain newspapers from Chandernagore.

No. 5419, dated the 26th October, 1889.—Under section 19 of the [1]Sea Customs Act, 1878, the Governor General in Council hereby prohibits the bringing or taking by sea or by land into British India of any copies of past or future issues of the newspaper styled the *Praja Bandhu* and published at the Vyas Press, Chandernagore.

[*See* Gazette of India, 1889, Pt. I, p. 598.]

[1] *See* the reprint as modified up to 1st February, 1904.
[2] General Acts, Vol. V.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Prohibition of import of intoxicating drugs prepared from hemp into the Madras Presidency.

No. 707-S. R., dated the 12th February, 1897.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing or taking by sea or by land into the territories administered by the Governor of Fort St. George in Council, of intoxicating drugs prepared from the hemp plant (*Cannabis sativa*, variety *Indica*).

[*See* Gazette of India, 1897, Pt. I, p. 121.]

Prohibition of import by sea into Madras, Calcutta and Rangoon of rags and second-hand clothing.

No. 389-S. R., dated the 22nd January, 1897.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act (VIII of 1878) and of all other powers in that behalf, the Governor General in Council is pleased to prohibit the bringing of rags and second-hand clothing by sea into any of the ports of Madras, Calcutta, and Rangoon, unless the Collector of Customs at Madras, Calcutta, or Rangoon, as the case may be, is satisfied that the said goods have not been exported from any port* with regard to which rules for quarantine against plague have been issued under section 1 of Act I of 1870.

*(NOTE.—The ports with regard to which such rules for quarantine have as yet been issued are Bombay and Karachi.)

[*See* Gazette of India, 1897, Pt. I, p. 49.]

Prohibition of import into British India of copper coin issued by the State of Baroda.

No. 4860-C., dated the 8th September, 1905.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), and in supersession of the Notification in the Finance and Commerce Department, No. 1698-A., dated the 19th April, 1893, the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of copper or bronze coin not being King's coin or coin issued by any Native State in India other than the State of Baroda.

2. Provided that the bringing of such coin into British India by a traveller, in any quantity not exceeding one rupee's worth at any one time, in good faith, for his own use, shall not be deemed to be prohibited by this Notification.

[*See* Gazette of India, 1905, Pt. I, p. 660.]

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Prohibition of import into British India of dies containing devices of coin or imitations thereof.

No. 6796, dated the 23rd November, 1905.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of dies stamped or engraved with the device of coin, as defined by section 230 of the [2]Indian Penal Code (Act XLV of 1860, as amended by Act XIX of 1872), or with any colourable imitation of such device.

[*See* Gazette of India, 1905, Pt. I, p. 841.]

Import of Daman salt into British India.

No. 475-S. R., dated the 25th January, 1895.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to prohibit the importation by land of Daman salt into British India.

[*See* Gazette of India, 1895, Pt. I, p. 36.]

Import into British India of Budhistic remains from Dir, Swat, Chitral and Gilgit.

No. 438-F., dated the 22nd February, 1901.—In exercise of the powers conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing into British India, from any part of the Dir, Swat and Chitral Agency or of the Gilgit Agency, or from any of the tribal areas which lie between those two Agencies and the border of British India, of any Budhistic sculptures, carvings or inscriptions save under the authority in writing of the Chief Political Officer of the said territories.

[*See* Gazette of India, 1901, Pt. I, p. 125.]

Prohibition of importation into British India of sovereigns or half-sovereigns.

No. 2365-S. R., dated the 16th May, 1900.—In exercise of the powers conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing into British India by sea or by land of pieces of metal resembling in shape and in size, and stamped either on the obverse or on the reverse in imitation of sovereigns and half-sovereigns.

[*See* Gazette of India, 1900, Pt. I, p. 305.]

[1] *See* the reprint as modified up to 1st February, 1904.
[2] *See* the reprint as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Prohibiting the export from British India of certain skins and feathers.

No. 5028-S.R., dated the 19th September, 1902.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the taking by sea or by land out of British India of skins and feathers of all birds other than domestic birds, except (*a*) feathers of ostriches and (*b*) skins and feathers exported *bonâ fide* as specimens illustrative of natural history.

[*See* Gazette of India, 1902, Pt. I, p. 697.]

Prohibition of import of an Arabic newspaper into British India.

No. 6302-S. R., dated the 28th November, 1902.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or land into British India of any copy, whether heretofore or hereafter issued, of the Arabic newspaper called "Murshid Al Albab," or "the Guide to Wisdom."

[*See* Gazette of India, 1902, Pt. I, p. 862.]

Prohibition of import of Sugar to parts of the Madras Presidency contiguous to French territory.

No. 783-S. R., dated the 12th February, 1903.—In exercise of the powers conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by land of any sugar into those parts of the province of Madras which are contiguous to French territory.

[*See* Gazette of India, 1903, Pt. I, p. 103.]

Prohibition of import of Sugar to parts of the Bombay Presidency contiguous to certain Kathiawar States.

No. 4762-S.R., dated the 5th August, 1903.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by land of any sugar into those districts of the Province

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Prohibition of import of Sugar to parts of the Bombay Presidency contiguous to certain Kathiawar States—*contd.*

of Bombay which are contiguous to any of the following States and talukas of Kathiawar, namely :—

Bhavnagar.	Patri.	
Limbdi.	Vanod.	
Wadhwan.	Wadhwan	Thana.
Lakhtar.	Vithalgadh	,,
Chuda.	Bhoika	,,
Vala.	Dasada	,,
Jasdan.	Chotila	,,
Bajana.	Jhinjhuwada	,,

Paliad Thaná.

[*See* Gazette of India, 1903, Pt. I, p. 666.]

Prohibition of import of Arabic publications issued by Abdul Mohamed bin Abdul Allah.

No. 483-S. R., dated the 20th January, 1904.—In exercise of the power conferred by section 19 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing by sea or land into British India of any copy of Arabic books, leaflets, or pamphlets, published by Abdul Mohamed bin Abdul Allah.

[*See* Gazette of India, 1904, Pt. I, p. 81.]

Rules as to cotton goods ordinarily sold by length or by the piece.

No. 1430, dated the 6th April, 1891.—In exercise o the powers conferred by section 19A, sub-section (*2*), of the [1]Sea Customs Act, 1878 (as amended by section 11 of the Indian Merchandise Marks Act, 1889), and sections 19 and 20 of the Indian Merchandise Marks Act, 1889 (as amended by Act IX of 1891), the Governor General in Council is pleased to make the subjoined rules and orders :

1. Piece-goods, such as are ordinarily sold by length or by the piece, shall be deemed to include woollen goods of all kinds and the

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Rules as to cotton goods ordinarily sold by length or by the piece—*contd.*

undermentioned descriptions of cotton goods, namely,—

Cambrics.	Longcloths.
Checks, Spots, and Stripes.	Madapollams.
Chudders.	Mulls.
Chudder Dhooties.	Muslins.
Dhooties.	Nainsooks.
Domestics.	Printers.
Doorias.	Prints.
Drills.	Sarries.
Jaconets.	Scarves (Eklai)
Jeans.	Sheetings.
Lappets.	Shirtings.
Lawns.	Tanjibs.
Lenos.	Twills.

T Cloths and Mexicans.

2. Other classes of piece goods shall not be detained if unstamped; and unstamped cotton and woollen piece-goods imported for private and personal use and not intended for sale shall not be detained if the Customs Collector is satisfied that they are actually not intended for sale.

3. Examinations of packages to ascertain whether the goods mentioned in rule 1 are stamped shall be made at frequent interval at the discretion of the Customs Collector, and either under his personal instructions, or under general orders and instructions given by him to an Assistant Collector.

4. The piece goods contained in the packages so examined need not be examined when found to be stamped to test the accuracy of the stamping except on information received, or when the Customs Collector has reason to suspect that the stamping is false.

5. All measurements of piece goods shall be made on the table.

6. Yarns need not be examined or measured except on information received, or when the Collector has reason to suspect that the trade-description is false.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Rules as to cotton goods ordinarily sold by length or by the piece—*concld.*

[1]7. An examination of yarns to test the accuracy of the description of count or length shall be made, in the first instance, up to the limit of one bundle in every one hundred bales or fraction of one hundred bales in the consignment.

[1]8. If on such examination the difference between the average count or length and the described count or length is in excess of the variations permitted in paragraphs III and IV of the Notification of the Government of India in the Home Department, No. 1474 (Judicial), dated the 13th November, 1891, the importer may require a further examination to be made up to the limit and on the conditions stated in rule 9.

[1]9. The test to determine length of yarns shall be applied as follows :—

From every one huudred bales, or fraction of one hundred bales in a consignment one bundle should be selected at random. The hanks in this bundle should then be measured on the wrap-reel, one after the other, in the presence of a representative of the importer, and the lengths noted, the process being continued (within the limit of the bundle) until either the importer is satisfied that the yarn is short, or the average of the lengths noted shows that it is of full length.

When the importer is dissatisfied with this test, he may, on payment of the cost, require the Customs Collector to measure more hanks up to 1 per cent. of the total number of hanks in the consignment, such hanks being taken at random, by an officer of customs out of any bundles in the consignment.

10. The Customs Collector may require from any informant a security not exceeding five hundred rupees. If the Collector should be satisfied that the information given is wilfully false, the security shall be forfeited.

[*See* Gazette of India, 1891, Pt. I, p. 187.]

Tariff values on certain imported articles or goods.

No. 10123-30, dated the 22nd December, 1906.—In exercise of the powers conferred by sections 22 and 23 of the [2]Sea Customs Act, 1878 (VIII of 1878), in modification of the tariff values fixed by the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act (1894) Amendment Act, 1896 (III of 1896), and as further altered from time to time by notifications of the Governor General in

[1] Substituted by Notification No. 2887-S.R., dated 30th June, 1898, *see* Gazette of India, 1898, Pt. I, p. 714.

[2] *See* the reprint as modified up to 1st February, 1904

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

Council, the Governor General in Council is pleased to fix, with effect from the 1st January, 1907, for the articles specified in column 2 of the schedule hereto annexed, the tariff values stated in column 4 of the said Schedule.

Provided that nothing in this notification shall affect any additional duty imposed under the powers conferred by sections 8-A and 8-B of the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act Amendment Act, 1899 (XIV of 1899), the Indian Tariff (Amendment) Act, 1902 (VIII of 1902), the Indian Tariff (Amendment) Act, 1903 (XII of 1903), and the Indian Tariff (Amendment) Act, 1904 (XI of 1904).

[1] SCHEDULE IV.—(IMPORT TARIFF).

General Duties.

No.	Names of Articles.	Per	Tariff valuation. Rs. A. P.	Duty.
	Animals, living.			
1	HORSES, CATTLE, SHEEP, and all other living animals of all kinds.	...	...	Free.
	Articles of food and drink.			
2	COFFEE	cwt.	35 0 0	Five per cent.
3	FRUITS AND VEGETABLES (except fresh fruits and vegetables not separately enumerated, which are free).			
	Almonds without shell ...	cwt.	50 0 0	Five per cent.
	„ in the „ ...	„	15 0 0	„
	„ (kágzi)	„	40 0 0	„

[1] This Schedule has been annually revised.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation. Rs. A. P.	Duty.
	Cashew or cajoo kernels ...	cwt.	19 0 0	Five per cent.
	Cocoanuts, Straits	thousand.	60 0 0	,,
	,, other	,,	40 0 0	,,
	,, kernel (khopra) ...	cwt.	15 0 0	,,
	Currants, in cases	,,	20 0 0	,,
	,, in cans	,,	26 0 0	,,
	,, other	,,	14 0 0	,,
	Dates, dry, in bags	,,	7 8 0	,,
	,, wet, in bags, baskets, and bundles.	,,	5 0 0	,,
	,, wet, in pots, boxes, tins and crates.	,,	9 0 0	,,
	Figs, Persian, dried ...	,,	12 0 0	,,
	Garlic	,,	6 0 0	,,
	Hops	...	...	Free.
	Pistachio nuts	cwt.	30 0 0	Five per cent.
	Prunes, Bussora (Alu Bokhara)...	,,	35 0 0	,,
	Raisins, black	,,	10 0 0	,,
	,, kishmish, Persian Gulf...	,,	16 0 0	,,
	,, munakka	,,	9 8 0	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Raisins, other sorts... ...	...	*ad valorem*	Five per cent.
	Walnuts, Persian	cwt.	9 8 0	,,
	All other sorts of fruits and vegetables.	...	*ad valorem*	,,
4	GRAIN AND PULSE, including broken grain and pulse, but not including flour.	...	...	Free.
5	MINERAL AND AERATED WATERS, and all unfermented and non-alcoholic beverages.	...	*ad valorem*	Five per cent.
6	PROVISIONS, OILMAN'S STORES AND GROCERIES.			
	Bacon	...	,,	,,
	Beef and Pork	...	,,	,,
	Biche de mer	...	,,	,,
	Butter	lb.	1 4 0	,,
	Cheese	...	*ad valorem*	,,
	China preserves in syrup ...	Box of six jars.	4 12 0	,,
	,, ,, dry, candied ...	lb.	0 4 6	,,
	Cocum	cwt.	4 8 0	,,
	Fish maws	...	...	Free.
	Flour	...	*ad valorem*	Five per cent.
	Ghi	cwt.	53 0 0	,,
	Margarine	lb.	1 4 0	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Pork hams	...	*ad valorem*	Five per cent.
	Sago	cwt.	10 0 0	,,
	Shark fins	...	...	Free.
	Singally and sozille... ...	...	...	,,
	Tapioca	cwt.	11 8 0	Five per cent.
	Vinegar, in casks	...	*ad valorem*	Two and one-half per cent.
	,, not in casks, Persian ...	Imperial gallon.	1 8 0	Five per cent.
	,, ,, ,, Indian ...	,,	0 6 0	,,
	All other sorts of provisions, oilman's stores, and groceries.	...	*ad valorem*	,,
7	SPICES—			
	Betelnuts, raw, whole or split, from Goa.	cwt.	17 0 0	,,
	Betelnuts, raw, whole or split, from Ceylon.	,,	15 0 0	,,
	Betelnuts, raw, whole or split, from Straits.	,,	10 0 0	,,
	Betelnuts, all other sorts ...	...	*ad valorem*	,,
	Chillies, dry	cwt.	16 0 0	,,
	Cloves	,,	40 0 0	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Cloves, stems and heads ...	cwt.	7 8 0	Five per cent.
	„ in seeds, narlavang ...	„	11 0 0	„
	Ginger, dry	„	15 0 0	„
	Mace	lb.	1 0 0	„
	Nutmegs	„	0 5 0	„
	„ in shell	„	0 4 0	„
	Pepper, black	cwt.	35 0 0	„
	„ white	„	55 0 0	„
	All other sorts of spices ...	...	*ad valorem*	„
8	SUGAR, China, candy ...	cwt.	23 4 0	„
	„ loaf (excluding cube and chopped).	„	14 0 0	„
	„ crystallised, beet ...	„	9 0 0	„
	„ „ and soft (other than beet), refined in the United Kingdom.	„	9 0 0	„
	„ „ „ „ refined in China.	„	11 0 0	„
	„ „ „ „ from Egypt.	„	9 2 0	„
	„ „ „ „ white, from Java, above 20 Dutch standard.	„	9 0 0	„

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Sugar, crystallised and soft, from Java, 16 to 20 Dutch standard.	cwt.	7 8 0	Five per cent.
	,, ,, ,, ,, from Java, 15 Dutch standard and under.	...	*ad valorem*	,,
	,, ,, ,, ,, from Mauritius.	cwt.	8 14 0	,,
	Molasses	,,	2 12 0	,,
	Sugar, all other sorts, including saccharine produce of all kinds and confectionery.	...	*ad valorem*	,,
9	TEA, black	lb.	0 10 0	,,
	,, green	,,	0 12 0	,,
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials.			
10	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric	,,	0 1½ 0	,,
	Alkali, Indian (Sajji-khar) ...	cwt.	2 4 0	,,
	Alum	,,	4 8 0	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Arsenic (other than European)...	cwt.	23 0 0	Five per cent.
	„ (China mansil) ...	„	21 0 0	„
	„ other sorts... ...	...	*ad valorem*	„
	Bicarbonate of soda... ...	cwt.	6 0 0	„
	Copperas, green	...	*ad valorem*	Two and one-half per cent.
	Explosives, namely, blasting gelatine, dynamite, roburite, tonite, and all other descriptions, including detonators and blasting fuse.	...	*ad valorem*	Five per cent.
	Sal ammoniac	cwt.	32 0 0	„
	Sulphate of copper... ...	„	20 0 0	„
	Sulphur (brimstone), flour ...	„	5 12 0	„
	„ („), roll ...	„	5 4 0	„
	„ („), rough ...	„	4 12 0	„
	All other sorts of chemical products and preparations, including saltpetre, borax, grape sugar, and glucose, but excluding nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash, and kainit salts, which are free.	...	*ad valorem*	„
11	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black	cwt.	19 0 0	„

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Aloes, Socotra	cwt.	15 8 0	Five per cent.
	Aloe-wood	lb.	6 0 0	,,
	Anti-plague serum ...	...	...	Free.
	Asafœtida (hing)	cwt.	80 0 0	Five per cent.
	,, coarse (hingra) ...	,,	22 0 0	,,
	Atary, Persian	,,	15 0 0	,,
	Banslochan (bamboo camphor)...	lb.	0 5 0	,,
	Brimstone (amalsara) ...	cwt.	16 0 0	,,
	Calumba root	,,	9 0 0	,,
	Camphor, refined, cake ...	lb.	3 0 0	,,
	,, partially refined, cake, in blocks of about 13 lb.	,,	2 4 0	,,
	,, crude, in powder ...	,,	1 12 0	,,
	Cassia lignea	cwt.	29 0 0	,,
	China root (chobchini), rough ...	,,	10 0 0	,,
	,, ,, (,,), scraped...	,,	20 0 0	,,
	Cocaine	...	*ad valorem*	,,
	Cubebs	cwt.	27 0 0	,,
	Galangal, China	,,	4 8 0	,,
	Pellitory (akalkara) ...	...	*ad valorem*	,,
	Peppermint crystals ...	...	,,	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Quinine and other alkaloids of cinchona.	...	...	Free.
	Salep	cwt.	125 0 0	Five per cent.
	Senna leaves	,,	5 0 0	,,
	Storax, liquid (rose melloes or salaras).	,,	33 0 0	,,
	Tobacco, unmanufactured ...	...	...	Free.
	,, manufactured ...	...	*ad valorem*	Five per cent.
	All other sorts of drugs, medicines, and narcotics except opium (for which see Schedule III).	...	,,	,,
12	DYEING AND TANNING MATERIALS			
	Alizarine dye, dry, 40 per cent.	lb.	1 4½	,,
	,, ,, ,, 50 ,, ,, ...	,,	1 8½	,,
	,, ,, ,, 60 ,, ,, ...	,,	1 12	,,
	,, ,, ,, 70 ,, ,, ...	,,	2 0½	,,
	,, ,, ,, 80 ,, ,, ...	,,	2 4½	,,
	,, ,, ,, 100 ,, ,, ...	,,	2 12	,,
	,, ,, moist, 10 ,, ,, ...	,,	0 4½	,,
	,, ,, ,, 16 ,, ,, ...	,,	0 7	,,
	,, ,, ,, 20 ,, ,, ...	,,	0 8	,,
	Aniline ,, ,, indigo blue ...	,,	0 6½	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Aniline dye, dry	lb.	1 0 0	Five per cent.
	,, salts	...	*ad valorem*	,,
	Avar bark	cwt.	4 0 0	,,
	Buzgand (gulpista)	,,	35 0 0	,,
	Cochineal	lb.	1 8 0	,,
	Gallnuts (myrabolams) ...	...	*ad valorem*	,,
	,, Persian	cwt.	46 0 0	,,
	Madder or manjit ...	,,	11 0 0	,,
	Orchilla weed	,,	3 8 0	,,
	Sappan wood and root ...	...	*ad valorem*	,,
	Turmeric	...	,,	,,
	All other sorts of dyeing and tanning materials.	...	,,	,,
	Metals and Manufactures of Metals.			
13	HARDWARE AND CUTLERY, including ironmongery and platedware, and also including machines, tools, and implements to be worked by manual or animal labour. (*Exceptions, which are free*: (*i*) Water-lifts, sugarmills, oil-presses, and parts thereof, and any other machines and parts of machines ordinarily used			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	in processes of husbandry, or for the preparation for use or for sale of the products of husbandry, which the Governor General in Council may, by notification in the *Gazette of India*, exempt; (*ii*) the following agricultural implements, when constructed so that they can be worked by manual or animal power, namely, winnowers, threshers, mowing and reaping machines, elevators, seed-crushers, chaff-cutters, root-cutters, horse and bullock gears, ploughs, cultivators, scarifiers, harrows, clod crushers, seed drills, hay tedders, and rakes; (*iii*) the following dairy appliances, when constructed so that they can be worked by manual or animal power, namely, cream separators, milk sterilizing or pasteurizing plant, milk aerating and cooling apparatus, churns, butter driers and butter workers; (*iv*) the following articles used in the manufacture of cotton, namely, bobbins (warping), forks for looms, healds, heald cords, heald knitting needles, laces, lags and needles for dobbies, pickers (buffalo and others), picking bands, picking levers, picking sticks (over and under), reed pliers, reeds, shuttles (for power looms), springs for looms,			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	strappings, and weft forks ; (*v*) box backs and swells and rough unshaped bobbin ends, when imported by or on behalf of a manufacturer or millowner, and certified by him to be intended exclusively for use in his mill.)	...	*ad valorem*	Five per cent.
14	MACHINERY, namely, prime-movers and component parts thereof, including boilers and component parts thereof ; also including locomotive and portable engines, steam-rollers, fire-engines, and other machines in which the prime-mover is not separable from the operative parts.			
	Machinery (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, fire or other power not being manual or animal labour, or which before being brought into use require to be fixed with reference to other moving parts ; and including belting of all materials for driving machinery.	...	...	Free.
	Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	only such articles shall be admitted as component parts of machinery as are indispensable for the working of the machinery and are, owing to their shape or to other special quality, not adapted for any other purpose.			
	NOTE.—Machinery and component parts thereof made of substances other than metal are included in this entry.			
15	METALS, unwrought and wrought, and articles made of metals—			
	Brass, orsidue and leaves, European.	...	*ad valorem*	Five per cent.
	„ „ „ „ China.	...	„	„
	„ patent or yellow metal, sheathing, sheets, brazier's, and plates.	cwt.	62 0 0	„
	„ „ „ (old)	„	45 0 0	„
	„ sheets, flat or in rolls, very thin.	„	160 0 0	„
	„ wire	...	*ad valorem*	„
	„ all other sorts ...	...	„	„
	Copper, bolt and bar, rolled ...	..	„	„
	„ brazier's, sheets, plates and sheathing ...	cwt.	75 0 0	„

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Copper nails and composition nails.	...	*ad valorem*	Five per cent.
	„ old	cwt.	60 0 0	„
	„ pigs, tiles, ingots, cakes, bricks, and slabs.	„	72 0 0	„
	„ China, white, copper-ware.	lb.	1 2 0	„
	„ foil or dankpana, white, 10 to 11 in. × 4 to 5 in.	hundred leaves.	1 14 0	„
	„ „ „ „ coloured, 10 to 11 in. × 4 to 5 in.	„	2 0 0	„
	„ wire, including phosphor bronze.	...	*ad valorem.*	
	„ all other sorts, unmanufactured and manufactured, except current coin of the Government of India, which is free.	...	„	„
	German silver	...	„	„
	Gold bullion and coin ...	...	...	Free.
	„ leaf	...	*ad valorem*	Five per cent.
	Iron, anchors and cables ...	...	„	One per cent.
	„ Lowmoor and similar qualities, all descriptions.	...	„	„

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Iron, angle T, other than Low-moor, or Swedish.	ton	105 0 0	One per cent.
	,, angle T, other than Low-moor, or Swedish, if galvanised, tinned, or lead-coated.	...	*ad valorem*	,,
	,, bar	...	,,	,,
	,, bar, Swedish and similar qualities.	ton	155 0 0	,,
	,, bar, Swedish and similar qualities, nail-rod, round-rod, and square under half an inch in diameter.	,,	160 0 0	,,
	,, bar other kinds ...	,,	105 0 0	,,
	,, bar other kinds, nail-rod, round-rod, and square, under half an inch in diameter.	,,	110 0 0	,,
	,, bar other kinds, if galvanised, tinned, or lead-coated.	,,	*ad valorem*	,,
	,, beams, joists, pillars, girders, bridge-work, and other such descriptions of iron, imported exclusively for building purposes.	...	,,	,,
	,, channel, including channel for carriages.	,,	,,	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Iron, plate and sheet, Swedish, and charcoal.	ton	*ad valorem*	One per cent.
	,, bars, plates, and sheets, Swedish and charcoal, if galvanised, tinned or lead-coated.	...	,,	,,
	,, plate, other kinds, above ⅛ in. thick, and strips.	ton	110 0 0	,,
	,, sheets, other kinds up to ⅛ in. thick.	,,	120 0 0	,,
	,, sheets (other than corrugated), plates or strips, other kinds, if galvanised, tinned, lead-coated, or planished.	...	*ad valorem*	,,
	,, sheets, corrugated, galvanised, or black.	ton	195 0 0	,,
	,, hoop	,,	120 0 0	,,
	,, nails, rose, wire, and flat-headed.	cwt.	9 0 0	,,
	,, nails, other kinds, including galvanised, tinned, or lead-coated.	...	*ad valorem*	,,
	,, nuts and bolts, also hooks and nuts for roofing, galvanised or black.	...	,,	,,
	,, old	cwt.	2 0 0	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Iron, pig	...	*ad valorem*	One per cent.
	,, *pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like.*	...	,,	,,
	,, rails, chairs, sleepers, and fishplates, other than those described in No. 60, also spikes (commonly known as dog spikes), switches, crossings, lever boxes, clips, and tie-bars.	...	,,	,,
	,, rice-bowls	...	,,	,,
	,, ridging, guttering, and continuous roofing.	...	,,	,,
	,, rivets and washers, all sorts	...	,,	,,
	,, wire, including fencing wire and wire rope, but excluding wire netting.	...	,,	,,
	,, cans, tinned, when imported containing petroleum which is separately assessed to duty at one anna per Imperial gallon under No. 16.	can	0 3 0	Five per cent.
	,, all other sorts, including discs, or circles and wire-netting.	...	*ad valorem*	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Lanetta	...	*ad valorem*	Five per cent.
	Lead, all sorts (except sheets for tea-chests, which are free).	...	,,	,,
	Quicksilver	lb.	1 9 0	,,
	Shot, bird	cwt	16 0 0	,,
	Silver bullion or coin, except current coin of the Government of India, which is free.	...	*ad valorem*	,,
	Steel, anchors and cables ...	..	,,	One per cent.
	,, blooms	...	,,	,,
	,, angle, T	ton	105 0 0	,,
	,, ,, and hoop, if galvanised, tinned, or lead-coated.	...	*ad valorem*	,,
	,, bars (other than cast steel).	ton	105 0 0	,,
	,, bars, Swedish ...	...	*ad valorem*	,,
	,, ,, nail-rod, round rod, and square, under ½ inch in diameter.	ton	110 0 0	,,
	,, bar, galvanised, tinned, lead-coated, planished or polished.	...	*ad valorem*	,,
	,, channel, including channel for carriages.	...	,,	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Steel plates above ⅛ inch thick, and strips.	ton	110 0 0	One per cent.
	,, sheets up to ⅛ inch thick...	,,	120 0 0	,,
	,, (sheets, other than corrugated) plates or strips, if galvanised, tinned, lead-coated, or planished.	...	*ad valorem*	,,
	,, sheets, corrugated, galvanised or black.	ton	195 0 0	,,
	,, hoop	,,	140 0 0	,,
	,, nails	...	*ad valorem*	,,
	,, nuts and bolts, also hooks and nuts for roofing, galvanised or black ...	...	,,	,,
	,, old	ton	130 0 0	,,
	,, beams, joists, pillars, girders, bridge-work, and other such descriptions of steel, imported exclusively for building purposes.	,,	*ad valorem*	,,
	,, cast and blistered, including spring and tub steel.	...	,,	,,
	,, ridging, guttering, and continuous roofing.	...	,,	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Steel pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like.	...	*ad valorem*	One per cent.
	„ rails, chairs, sleepers, and fishplates, other than those described in No. 60, also spikes (commonly known as dog-spikes), switches, crossings, lever-boxes, clips, and tie-bars.	...	„	„
	„ rivets and washers, all sorts	...	„	„
	„ wire, including fencing wire and wire rope, but excluding wire netting.	...	„	„
	„ cans, tinned, when imported containing petroleum, which is separately assessed to duty at one anna per Imperial gallon under No. 16.	can	0 3 0	Five per cent.
	„ all other sorts, including discs or circles and wire-netting.	...	*ad valorem*	„
	Tin, block	cwt.	165 0 0	„
	„ foil, and other sorts ...	...	*ad valorem*	„
	Zinc or spelter, nails ...	...	„	„
	„ „ tiles or slabs, soft	cwt.	25 0 0	„

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per.	Tariff valuation.	Duty.
			Rs. A. P.	
	Zinc or spelter tiles or slabs, hard	cwt.	21 0 0	Five per cent.
	" " all other sorts, including boiler tiles ...	...	*ad valorem*	"
	All other sorts of metals ...	...	"	"
	Oils.			
16	PETROLEUM, including also naphtha and the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosene, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum ...	Imperial gallon.	...	One anna.
	" which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively for the batching of jute or other fibre, or for lubricating purposes	...	*ad valorem*	Five per cent.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	PETROLEUM which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively as fuel	...	*ad valorem*	Five per cent.
	Cocoanut oil	cwt.	25 0 0	"
	All other sorts of oil, animal or vegetable (including otto of all kinds), and mineral, including paraffin wax	...	*ad valorem*	"
	Other articles, unmanufactured and manufactured.			
17	APPAREL, including drapery, haberdashery, and millinery, and military and other uniforms and accoutrements; but excluding cotton hosiery (for which see No. 30) and boots and shoes (for which see No. 45), and excluding also uniforms, and accoutrements appertaining thereto, imported by a public servant for his personal use, which are free .	...	"	"
18	ART, WORKS OF, except (1) statuary and pictures intended to be put up for the public benefit in a public place, and (2) memorials			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	of a public character intended to be put up in a public place including the materials used, or to be used, in their construction, whether worked or not, which are free ...	...	*ad valorem*	Five per cent.
19	BAMBOOS, common, grass, hay, rushes, straw, and leaves ...	...	...	Free.
20	BOOKS, printed, including covers for printed books, maps, charts and plans, proofs, music, and manuscripts ...	...	...	"
21	BRISTLES AND FIBRE, for brushes and brooms.	...	...	"
22	BRUSHES AND BROOMS, all sorts	...	*ad valorem*	Five per cent.
23	BUILDING AND ENGINEERING MATERIALS, namely asphalt, bricks, and tiles, cement of all kinds, fire-clay, earthenware piping, lime, and other kinds not otherwise described ...	...	"	"
24	CABINET-WARE AND FURNITURE	...	"	"
25	CARRIAGES AND CARTS, including motor cars, bicycles, tricycles, jinrikshas, bath chairs, perambulators, trucks, wheelbarrows, and all other sorts of conveyances, and component parts thereof, but excluding motor-cars designed to carry goods and containing a prime-mover, which are free...	...	"	"

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
26	CHINESE AND JAPANESE-WARE, including lacquered-ware, but excluding earthenware, china, and porcelain (for which see No. 32)	...	*ad valorem*	Five per cent.
27	CLOCKS, WATCHES, and other time-keepers, and parts thereof	...	,,	,,
28	COAL, COKE, AND PATENT FUEL...	...	...	Free.
29	CORDAGE, rope and twine made of any vegetable fibre ...	...	*ad valorem*	Five per cent.
30	COTTON AND ARTICLES MADE OF COTTON—			
	Cotton, raw	...	...	Free.
	,, twist and yarn ...	...	...	,,
	,, sewing thread ...	...	...	,,
	,, piece-goods, hosiery, and all other manufactured cotton goods, not otherwise described ...	...	*ad valorem*	Three and one-half per cent.
31	EARTH, COMMON, CLAY, AND SAND	...	,,	Free.
32	EARTHENWARE (except earthenware piping, for which see No. 23), china, china clay, porcelain, and imitation or false coral.	...	,,	Five per cent.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
33	FANS OF ALL KINDS, except common palm-leaf fans, which are free	...	*ad valorem*	Five per cent.
34	FIREWORKS, all sorts including fulminating powder, ...	...	,,	,,
35	FLAX, AND ARTICLES MADE OF FLAX including linen-thread ...	...	,,	,,
36	FURNITURE, TACKLE, AND APPAREL not otherwise described, for steam, sailing, rowing and other vessels	...	,,	,,
37	GUMS, GUM-RESINS, and articles made of gum or gum-resin—			
	Copal	...	,,	,,
	Cutch and gambier ...	cwt.	20 0 0	,,
	Gamboge	lb.	2 0 0	,,
	Gum Ammoniac ...	cwt.	16 0 0	,,
	,, Arabic	,,	14 0 0	,,
	,, Bdellium	...	*ad valorem*	,,
	,, Benjamin ras ...	cwt.	20 0 0	,,
	,, ,, cowrie ...	,,	75 0 0	,,
	,, Bysabol (coarse myrrh)	,,	28 0 0	,,
	,, Olibanum or frankincense	...	...	Free.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Gum, Persian (false) ...	cwt.	12 0 0	Five per cent.
	Myrrh	„	55 0 0	„
	Resin	„	9 0 0	„
	All other sorts of gums, gum-resins, and articles made of gum or gum-resin, including caoutchouc and gutta-percha	...	*ad valorem*	„
38	HEMP including Manila hemp, and articles made therefrom	...	„	„
39	HIDES AND SKINS (except raw or salted hides and skins, which are free), including parchment and vellum, gold-beaters' skins, and all other descriptions of hides or skins ...	...	„	„
40	HORN	...	...	Free
	„ articles made of, not otherwise described ...	...	*ad valorem*	Five per cent.
41	INSTRUMENTS, APPARATUS, AND APPLIANCES and parts thereof—			
	Computing, Dental, Distilling Diving, Drawing, Educational, Electric, Electric lighting, Galvanic, Measuring, Musical, Optical, Philosophical, Phonographic, Photographic (including materials for Photography), Scientific,			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Surgical, Surveying, Telegraphic, Telephonic, Typewriters, and all other sorts, except Telegraphic instruments and apparatus, and parts thereof, when imported by or under the orders of a railway company, and any instruments, apparatus, and appliances when imported by a passenger as part of his personal baggage and in actual use by him in the exercise of his profession or calling, which are free. Military band instruments (other than stringed instruments), imported by a regiment of His Majesty's regular forces serving in India, and certified by the officer commanding the regiment to be for the *bond fide* exclusive use of the regimental band, and the following accessories thereto, are also free of duty:— ...	...	*ad valorem*	Five per cent.
	Silver buckles for drums. Cardholders			
	Silver buttons for drums. Carriages (brown or black).			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Green broadcloth for drums. Crooks.			
	Green silk ribbon for drums Cases (leather or wooden).			
	Ropes for drums. Fingertops.			
	Bags for bagpipes. Mouthpieces and caps therefor.			
	Cord for bagpipes Reeds.			
	Drones for bagpipes. Springs.			
	Ribbons for bagpipes. Snares.			
	Pipe tassels for bagpipes. Valve tops and needles.			
42	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders ...	cwt.	350 0 0	Five per cent.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs A. P.	
	Elephants' tusks (other than hollows, centres, and points) each exceeding 20 lb. in weight, and hollows, centres, and points each weighing 10 lb. and over	cwt.	800 0 0	Five per cent.
	Elephants' tusks (other than hollows, centres, and points) not less than 10 lb. and not exceeding 20 lb. each, and hollows, centres, and points each weighing less than 10 lb.	,,	680 0 0	,,
	Elephants' tusks, each less than 10 lb. (other than hollows, centres, and points) ...	,,	525 0 0	,,
	Sea-cow or moye teeth, each not less than 4 lb. ...	,,	200 0 0	,,
	Sea-cow or moye teeth, each not less than 3 lb. and under 4 lb.	,,	185 0 0	,,
	Sea-cow or moye teeth, each less than 3 lb.	,,	135 0 0	,,
	All other sorts, manufactured and unmanufactured ...	...	*ad valorem*	,,
43	JEWELLERY AND JEWELS, including plate and other manufactures of gold and silver—			
	Silver-ware, plain ... { other than European	tola	1 0 0	,,
	,, embossed or chased ... { other than European	,,	1 4 0	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Total valuation.	Duty.
			Rs. A. P.	
	All other sorts, except precious stones and pearls, unset, which are free ...	...	*ad valorem*	Five per cent.
44	JUTE, raw	...	...	Free.
	„ articles made of, except second-hand or used gunny bags, which are free ...	...	*ad valorem*	Five per cent.
45	LEATHER, and articles made of leather, including boots and shoes, harness, and saddlery, except saddlery of a military pattern imported by an officer of His Majesty's regular forces and forming part of the equipment with which he is required to supply himself under Army Regulations, which is free ...	...	„	„
46	MALT	...	„	„
47	MANURES of all kinds, including animal bones	...	...	Free.
48	OILCAKE, also bran, fodder and cattle-food of all kinds ...	...	...	„
49	OIL-CLOTH AND FLOOR CLOTH, including lincrusta, linoleum, and tarpaulins	...	*ad valorem*	Five per cent.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Total valuation.	Duty.
			Rs. A. P.	
50	PAINTS, COLOURS, PAINTER'S MATERIALS, and compositions for application to leather, wood and metals—			
	Lead, red, dry	cwt.	16 8 0	Five per cent.
	„ white, dry ...	„	17 8 0	„
	Ochre, other than European, all colours	„	2 12 0	„
	Paints, composition ...	„	*ad valorem*	„
	„ patent driers ...	...	„	„
	Turpentine	Imperial gallon.	3 4 0	„
	Verdigris	...	*ad valorem*	„
	Vermilion, Canton	box of 90 bundles.	100 0 0	„
	Zinc, white, dry	...	*ad valorem*	„
	All other sorts, including glue and putty	...	„	„
51	PAPER, PASTEBOARD, MILLBOARD, AND CARDBOARD of all kinds, including ruled or printed forms and account and manuscript books, labels, advertising circulars, sheet or card almanacs, and calendars, Christmas, Easter and other cards including cards in booklet form, including also waste paper and old newspapers for packing, but			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	excluding trade catalogues and advertising circulars imported by packet, book or parcel post, which are free	...	*ad valorem*	Five per cent.
	Paper, articles made of paper and papier-máché	...	,,	,,
52	PERFUMERY—			
	Gowla, husked and unhusked ..	cwt.	40 0 0	,,
	Kapurkachri (zedoary) ...	,,	17 8 0	,,
	Patch leaves (patchouli) ...	,,	14 0 0	,,
	Rose-flowers, dried ...	,,	17 0 0	,,
	Rose-water	Imperial gallon.	2 0 0	,,
	All other sorts, except perfumed spirit (for which see Schedule III)	...	*ad valorem*	,,
53	PITCH, TAR, AND DAMMER—			
	Bitumen	...	,,	,,
	Dammer	cwt.	5 0 0	,,
	Pitch, American and European	...	*ad valorem*	,,
	,, coal	cwt.	3 8 0	,,
	Tar, American and European...	,,	6 8 0	,,
	,, coal	,,	4 0 0	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Tar, mineral	...	*ad valorem*	Five per cent.
54	PLANTS AND BULBS, living, also dried for herbaria ...	...	...	Free.
55	PRECIOUS STONES AND PEARLS, unset (including the stones generically known as Cambay stones, such as agates, cornelians, and onyx) ...	...	...	"
56	PULP of wood, straw, rags, paper and other materials ...	...	..	"
57	PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, brass rules, composing sticks, chases, imposing tables, and lithographic stones, and stereo-blocks, roller moulds, roller frames and stocks, roller composition, standing screw and hot presses, perforating machines, gold blocking presses, stereo-typing apparatus, metal furniture, paper folding machines and paging and numbering machines, but not including paper	...	...	"
58	RAGS	...	...	"
59	RACKS for the withering of tea leaf	...	*ad valorem*	"
60	RAILWAY MATERIAL for permanent-way and rolling-stock, namely cylinders, girders, and other material for bridges, rails, sleepers, bearing and fish-plates, fish-bolts, chairs, spikes, crossings, sleeper fastenings, switches, interlocking apparatus, brake gear, couplings and springs, signals, turn-tables, weigh-bridges,			

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	engines, tenders, carriages, wagons, traversers, trollies, trucks, and component parts thereof; also the following articles when imported by, or under the orders, of a railway company, namely, cranes, water cranes, water tanks, and standards, wire and other materials for fencing: Provided that for the purpose of this exemption "railway" means a line of railway subject to the provisions of the Indian Railways Act, 1890, and includes a railway constructed in a Native State, under the suzerainty of His Majesty, and also such tramways as the Governor General in Council may, by notification in the *Gazette of India*, specifically include therein ...	...	...	Free.
61	SEEDS—			
	Castor	cwt.	6 8 0	Five per cent.
	Cummin	"	14 8 0	"
	" black	...	*ad valorem*	"
	Linseed	cwt.	7 4 0	"
	Methi	"	5 0 0	"

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
	Mustard, rape, or sarson ...	cwt.	9 0 0	Five per cent
	Poppy...	,,	8 0 0	,,
	Quince, bihidana ...	,,	75 0 0	,,
	Til or jinjili	,,	8 8 0	,,
	All other sorts	...	*ad valorem*	,,
62	SHELLS AND COWRIES—			
	Chanks, large shells, for cameos	...	,,	,,
	,, white, live ...	...	,,	,,
	,, ,, dead ...	...	,,	,,
	Cowras	...	,,	,,
	Cowries, bazar, common ...	cwt.	3 12 0	,,
	,, yellow, superior quality	,,	5 0 0	,,
	,, Maldive	,,	5 8 0	,,
	,, sankhla	,,	55 0 0	,,
	Mother-of-pearl, nacre ...	...	...	Free.
	Nakhla	cwt.	100 0 0	Five per cent.
	Tortoise-shell	lb.	11 0 0	,,
	,, ,, nakh ...	,,	4 8 0	,,
	All other sorts, including articles made of shell, not otherwise described	...	*ad valorem*	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of Articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
63	SHIPS AND OTHER VESSELS for inland and harbour navigation, including steamers, launches, boats, and barges imported entire or in sections	...	...	Free.
64	SILK AND ARTICLES MADE OF SILK—			
	Bokhara	lb.	9 0 0	Five per cent.
	Floss	...	*ad valorem*	,,
	Piece-goods	...	,,	,,
	Sewing thread, China ...	...	,,	,,
	Raw silk—Chaharam, Cochin China and yellow Shanghai	lb.	5 4 0	,,
	Mathow	,,	3 4 0	,,
	Other kinds of China ...	,,	7 4 0	,,
	Waste and Kachra ...	...	*ad valorem*	,,
	Panjam	lb.	2 6 0	,,
	Persian	,,	5 0 0	,,
	Siam	,,	2 0 0	,,
	All other sorts, including cocoons	...	*ad valorem*	,,
65	SOAP	...	,,	,,
66	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, including also antique coins and medals ...	...	...	Free.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*contd.*

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

General Duties.

No.	Names of articles.	Per	Tariff valuation.	Duty.
			Rs A. P.	
67	STATIONERY, excluding paper (for which see No. 51 ...	...	*ad valorem*	Five per cent.
68	STONE AND MARBLE, and articles made of stone and marble ...	...	,,	,,
69	TALLOW AND GREASE, including stearine	...	,,	,,
70	TEA CHESTS of metal or wood, whether imported entire or in sections, provided that the Customs Collector is satisfied that they are imported for the purpose of the packing of tea for transport in bulk ...	...	...	Free.
71	TEXTILE FABRICS not otherwise described	...	*ad valorem*	Five per cent.
72	TOILET REQUISITES not otherwise described	...	,,	,,
73	TOYS, including toy-books, and requisites for all games ...	...	,,	,,
74	UMBRELLAS, parasols, and sunshades of all kinds... ...	...	,,	,,
75	WALKING STICKS and sticks for umbrellas, parasols, and sunshades, of all kinds, mounted and unmounted, driving, riding and other whips, fishing rods and lines	...	,,	,,
76	WOOD AND TIMBER (except firewood, which is free), and articles made of wood not otherwise described	...	,,	,,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Tariff values on certain imported articles or goods—*concld.*

SCHEDULE IV.—(IMPORT TARIFF)—*concld.*

General Duties.

No.	Names of articles.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
77	WOOL, raw	...	...	Free.
	„ articles made of, including felt	...	*ad valorem*	Five per cent.
78	ALL OTHER ARTICLES, manufactured or unmanufactured, not described in this schedule ...	...	„	„

[*See* Gazette of India, 1906, Pt. I, p. 927.]

Exemption from Customs duty of salt imported under rules for use in any manufacture.

No. 2114-S.R., dated the 20th April, 1903.—In exercise of the power conferred by section 23 of the [1]Sea Customs Act, 1878 (VIII of 1878), and in supersession of the Notification of the Government of India in the Department of Revenue, Agriculture and Commerce, No. 150, dated the 12th July, 1877, the Governor General in Council is pleased to exempt from customs duty salt imported into British India and issued, in accordance with rules made with the previous sanction of the Governor General in Council, for use in any process of manufacture.

[*See* Gazette of India, 1903, Pt. I, p. 289.]

Exemption from duty of Public Memorials or materials therefor.

No. 3911-S. R., dated the 3rd July, 1903.—In exercise of the power conferred by section 23 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt from customs duty memorials of a public character intended to be put up in a public place, including the materials used or to be used in their construction whether worked or not.

[*See* Gazette of India, 1903, Pt. I, p. 559.]

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Exemption from duty of certain accessories of sporting rifles.

No. 3838-S. R., dated the 26th June, 1903.—In exercise of the power conferred by section 23 of the [1] Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt the articles specified in the list hereto annexed from so much of the duty to which they are liable on import under head 6 or head 8 as the case may be, of the second schedule to the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act, 1894, Amendment Act, 1896 (III of 1896), as in excess of a duty of ten per cent. *ad valorem.*

List above referred to.

Verniers or sight elevators.
Ventometers or wind gauges.
Reflectors.
Barrel coolers.
Sight covers.
Sliding bars for sights.
Cleaning rods.
Brushes, jags, mops.
Recoil pads or heel pads.
Aim reflectors.
Barrel cleaners or pull-throughs
Turn screws.
Sights for guns or rifles.

[*See* Gazette of India, 1903, Pt. I, p. 537.]

Exemption of certain articles from duty when imported for any unit of His Majesty's army.

No. 582-S.R., dated the 26th January, 1904.—In exercise of the power conferred by section 23 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt from the import duty leviable thereon under Schedules II and IV of the Indian Tariff Act, 1896 (III of 1896), the following articles when imported direct by any unit of His Majesty's regular forces serving in India for the use of such unit :—

Arms (including rifles, guns, and pistols, lances, lance-heads, swords) and parts and appurtenances thereof.

Ammunition.

Bicycles.

Typewriters.

Instruments for telegraphic or visual signalling and their appurtenances.

[1] *See* the reprint as modified up to 1st February 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Exemption of certain articles from duty when imported for any unit of His Majesty's Army—*concld.*

Telephones and appurtenances.

Accoutrements and parts thereof, and materials for their manufacture and repair.

Medals and decorations—including medal ribbons.

Saddlery of a military pattern.

Telescopes.

Veterinary instruments and appliances.

Range finders and parts thereof.

Drawing, surveying and educational, and gymnastic instruments, apparatus and appliances and parts thereof.

Tools and machinery for regimental workshops.

Appliances for games.

[*See* Gazette of India, 1904, Pt. I, p. 98.]

Exemption from duty of articles required by officers of the Army as such.

No. 583-S.R., dated the 30th January, 1904.—In exercise of the power conferred by section 23 of the [1] Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt from the import duty leviable thereon under Schedules II, III and IV of the Indian Tariff Act (1894) Amendment Act, 1896 (III of 1896), the articles mentioned in the following list when imported direct by an officer of His Majesty's regular forces serving in India for his own use; provided that under the regulations and orders for the time being in force the officer is required to maintain the articles in question for the due performance of his military duty.

List of articles.

Rifles of regulation military pattern, and parts and appurtenances thereof.

Ammunition for ditto.

Uniform and accoutrements appertaining thereto.

Saddlery of regulation military pattern.

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Exemption from duty of articles required by officers of the Army as such—*concld.*

Binoculars.
Telescopes.
Medicines and drugs.
Medical, Surgical, and Veterinary instruments and appliances.
Range finders.
Drawing and Surveying instruments.
Medals and decorations.

[*See* Gazette of India, 1904, Pt. I, p. 99.]

Exemption from duty of articles certified as required for a Regimental Band.

No. 251-S.R., dated the 12th January, 1904.—In exercise of the power conferred by section 23 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt from the import duty leviable thereon under Item No. 41 of the fourth schedule to the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act (1894) Amendment Act, 1896 (III of 1896), all military band instruments (other than stringed instruments), and such accessories thereto as are specified in the annexed list, when such instruments or accessories are imported by a regiment of His Majesty's regular forces in India, and certified by the officer commanding the regiment to be for the *bonâ fide* exclusive use of the regimental band.

List of accessories.

Silver buckles for drums.	Cardholders.
Silver buttons for drums.	Carriages (brown or black).
Green broadcloth for drums.	Crooks.
Green silk ribbon for drums.	Cases (leather or wooden).
Ropes for drums.	Finger tops.
Bags for bagpipes.	Mouthpieces and caps therefor.
Cord for bagpipes.	Reeds.
Drones for bagpipes.	Springs.
Ribbons for bagpipes.	Snares.
Pipe tassels for bagpipes.	Valve tops and needles.

[*See* Gazette of India, 1904, Pt. I, p. 38.]

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Exemption from duty of certain dairy appliances.

No. 5702-S.R., dated the 7th September, 1904.—In exercise of the power conferred by section 23 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt from the import duty to which they are liable under Schedule IV of the Indian Tariff Act, 1894 (VIII of 1894), the following dairy appliances when constructed so that they can be worked by manual or animal power, *viz.*, cream separators, milk sterilizing or pasteurizing plant, milk ærating and cooling apparatus, churns, butter dryers and butter workers.

[*See* Gazette of India, 1904, Pt. I, p. 658.]

Exemption from duty of certain printing materials.

No. 5567—52, dated the 18th July, 1906.—In exercise of the power conferred by section 23 of the [1]Sea Customs Act, VIII of 1878, the Governor General in Council is pleased to exempt from import duty the undermentioned articles used for Printing and Lithographing purposes, namely:

Roller Moulds,
Roller Frames and Stocks,
Roller Composition,
Standing Screw and Hot Presses,
Perforating Machines,
Gold Blocking Presses,
Stereo-typing Apparatus,
Metal Furniture,
Paper Folding Machines,
Paging and Numbering Machines,

so far as the said articles are liable to duty under Schedule IV (Import Tariff) of the Indian Tariff Act, VIII of 1894.

[*See* Gazette of India, 1906, Pt. I, p. 512.]

Prohibition of payment of drawback on re-exportation of goods to foreign ports in India; of transhipment of such goods and of exportation of warehoused goods to such ports.

No. 77, dated the 7th May, 1879.—In exercise of the power conferred by section 49 (*b*) of the [1]Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the payment of drawback upon the

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Prohibition of payment of drawback on re-exportation of goods to foreign ports in India; of transhipment of such goods and of exportation of warehoused goods to such ports—*concld.*

re-exportation of goods to any of the undermentioned foreign ports in India; and in exercise of the power conferred by section 134 of the said Act, the Governor General in Council is also pleased to prohibit at all customs ports transhipment of goods liable to customs duties on importation when such goods are destined for any of the said foreign ports in India; and in exercise of the power conferred by section 111 of the said Act, the Governor General in Council is further pleased to prohibit the shipment for exportation to any of the said foreign ports in India of warehoused goods in respect of which payment of drawback and transhipment are hereby prohibited under sections 49 and 134 of the said Act, respectively.

List of the foreign ports to which this notification applies:—

In Cutch.	*In Kattywar.*
Jakhawu.	Beri.
Koteshur.	Bherai.
Lakhpat.	Chorwad.
Mandvi.	Jafarabad.
Mundra.	Jinjura.
Rohar.	Joria.
Tuna.	Kathiwadar.
Madhavpur.	Porbandar.
Mahuwa.	Satya.
Mangrol.	Sundrai.
Miani.	Sutrapara.
Nawabandar (under Junagarh).	Talaja.
Nawabandar (under Nawanagar).	Verawal.
Nawi-bandar.	Wawanya.
Pimpawao.	

Foreign European Port.

Diu.

[1][Goa and Daman.]

[*See* Gazette of India, 1879, Pt. I, p. 344.]

[1] Added by Notification No. 5427-S. R., dated 15th November, 1895, *see* Gazette of India, 1895, Pt. I, p. 919.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*contd.*

Identification of certain gums for purposes of section 49 (u) of Act VIII of 1878.

No. 1117, dated the 10th June, 1881.—In exercise of the powers conferred by section 49, clause (*u*), of the [1]Sea Customs Act, 1878, the Governor General in Council is pleased to declare that gum arabic, gum benjamin, and gum olibanum or frankincense shall not for the purpose of Chapter VI of the said Act be deemed to be capable of being easily identified.

[*See* Gazette of India, 1881, Pt. I, p. 227.]

Exemption of goods transhipped at Negapatam from payment of duty.

No. 93-S.R., dated the 5th January, 1901.—In exercise of the power conferred by section 128 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to direct that Negapatam, in the District of Tanjore in the Madras Presidency, shall be added to the list of ports mentioned in that section in which the Customs Collector may, on application by the owner of any goods imported into such port and specially and distinctly manifested at the time of importation as for transhipment to some other customs or foreign port, grant leave to tranship the same without payment of the duty (if any) leviable at such port of transhipment and without any security or bond for the due arrival and entry of the goods at the port of destination.

[*See* Gazette of India, 1901, Pt. I, p. 31.]

Transhipment of salt at Aden.

No. 3713-S.R., dated the 22nd June, 1896.—In exercise of the powers conferred by section 134 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit, except in special cases with the written permission of the Political Resident, Aden, the transhipment of salt at the Port of Aden.

[*See* Gazette of India, 1896, Pt. I, p. 478.]

Transhipment at Bombay or Karachi of petroleum unless duty has been paid.

No. 2276, dated the 2nd May, 1888.—In exercise of the power conferred by section 134 of the [1]Sea Customs Act, 1878, the Governor General in Council is pleased to prohibit the transhipment, under the provisions of Chapter XII of the said Act, at the Ports of Bombay and Karachi, for conveyance to any Customs Port, of petroleum which under Act II of 1888 is liable to customs duty, unless and until customs duty has been paid upon such petroleum at either of the said Ports of Bombay or Karachi.

[*See* Gazette of India, 1888, Pt. I, p. 208.]

[1] *See* the reprint as modified up to 1st February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE SEA CUSTOMS ACT, 1878 (VIII OF 1878)—*concld.*

Transhipment of sugar from Karachi and shipment of warehoused sugar intended for certain ports.

No. 1248-S. R., dated the 3rd March, 1903.—In exercise of the power conferred by section 134 of the [1]Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the transhipment at Karachi of sugar destined for any of the ports specified below; and in exercise of the power conferred by section 111 of the said Act, the Governor General in Council is further pleased to prohibit the shipment at Karachi of warehoused sugar for exportation to any of the said ports.

Ports.

On the Mekran Coast.
- Sonmiani.
- Lyari.
- Gagoo.
- Ormara.
- Pansi.
- Gwadar.
- Gwatar.
- Charbar.
- Girishk.
- Jask.

On the Persian Coast.
- Kishm.
- Bandar Abbas.
- Lingah.
- Bushire.
- Mohammerah.

In Asiatic Turkey.
- Fao.
- Basra.
- Bagdad.
- Koweit.
- Katif.

On the Arabian Coast.
- Bahrein.
- Abu-Dthabi.
- Debaye.
- Shargah.
- Ejinan.
- Ras-el-Khaima.
- Muscat.
- Soor.
- Makallah.

[*See* Gazette of India, 1903, Pt. I, p. 180.]

[1] *See* the reprint as modified up to February, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878).

Date of operation of Act.

No. 1169, dated the 27th June, 1878.—The Governor General in Council is pleased to direct under section 2 of the "Indian Arms Act, 1878," that the said Act shall come into force on the 1st October, 1878.

[*See* Gazette of India, 1878, Pt. I, p. 389.]

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export.

No. 9, dated the 2nd January, 1879.—I. The Governor General in Council is pleased, under section 27, to exempt from the operation of all prohibitions and directions contained in "The Indian Arms Act, 1878," other than those referring to cannon, articles designed for torpedo service, war-rockets and machinery for the manufacture of arms and ammunition, the [1]under-mentioned persons, namely:—

(1) all Maharajahs, Rajahs, Nawabs, Members of any Order of Knighthood, all persons bearing a title conferred by the Government of India; all persons who have been granted a sword in public Durbar; all persons who received certificates on the 1st January, 1877; all persons who are exempted from personal attendance at civil courts;

(2) all Members or ex-Members of the Council of the Governor General or of the Governors of Madras or Bombay, or of the Lieutenant-Governor's Council;

(3) all military and naval officers, all soldiers, sailors, volunteers, police officers, forest officers, postal officers, jail officers serving the Government;

(4) all Magistrates, Justices of the Peace, Honorary Magistrates and judicial officers of or above the rank of Munsif;

(5) all European and East Indian subjects of Her Majesty the Queen-Empress; all Armenians; and all Americans not British-born subjects of Her Majesty who are temporarily residing or travelling in India;

(6) all Consuls, Consular Agents, all duly accredited Vakils or Agents of Native States;

(7) all Ruling Chiefs with their retinues, on the occasions of their entering or residing in British India; and all officials of such Chiefs passing through British India on duty;

(8) all pensioned officers of the Native Army, and pensioned officers of the civil departments who when employed were exempt;

[1] *See* also Notification No. 518, dated the 6th March, 1879, *infra*, p. 452.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

(9) the retainers of—

(*a*) the ancient zemindars and poligars of the Madras Presidency;

(*b*) the Deccan and Southern Mahratta Sirdars;

(*c*) the Maharajah of Bulrampore, K.C.S.I.,

the Maharajah of Benares,

the Rajah of Gurshai,

the Rajah of Jagmanpore,

the Rao of Gopalpura;

(*d*) the great Sirdars and Jagirdars of the Punjab;

(*e*) the zemindars of the scheduled districts in the Central Provinces;

subject to such orders as the respective Local Governments may issue regarding personages to be included in these categories, or the numbers of retainers in each case;

(10) landholders and members of Municipal Committees of approved loyalty and of good position, according to lists that may from time to time be issued by the respective Local Governments;

(11) all heads of villages, ghatwals, dighwars, and other rural police;

(12) all Thoogyes, Yazawut-goungs, Kyadangees in British Burma;

(13) all persons of Coorg race; and all jumma tenure-holders in Coorg who by their tenures are liable for police and military duties;

(14) all subjects of the Baroda State who may transport arms or ammunition from one part of Baroda territory to another part of the same territoy, under a license granted by the Resident or Assistant Resident of Baroda;

(15) all revenue officials and postal runners in frontier or wild districts where the superior departmental officers direct them to carry arms on duty.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

II. The Governor General in Council is pleased, under section 27, to exclude from the operation of any prohibition and direction contained in the Act—

(*a*) spears of all kinds, so far as regards the presidency of Madras;

(*b*) weapons known as *kukris* and *dhaos*, so far as regards the Lieutenant-Governorship of Bengal;

(*c*) weapons known as *dhars* so far as regards the Chief Commissionership of British Burma;

(*d*) swords, daggers, spears, *kukris*, *dhaos*, so far as regards the Chief Commissionership of Assam; and

(*e*) bows and arrows.

III. The Governor General in Council is pleased, under section 27, to withdraw from the operation of prohibitions and directions contained in the Act certain tracts as follows:

(*a*) all scheduled districts in the Madras presidency from all prohibitions and directions, save in respect to rifled arms and cannon, and except those directions contained in sections 12 and 25;

(*b*) the Chittagong Hill Tracts of Bengal from the prohibitions and directions contained in sections 13 and 14;

(*c*) all scheduled districts in the Lieutenant-Governorship of the Punjab, except Hazara, and also certain tracts and villages on the Hazara frontier specially notified by the Local Government, from all prohibitions and directions contained in sections 13 and 14;

(*d*) the Arracan Hill Tracts of British Burma from the prohibitions and directions contained in sections 13 and 14.

IV. The Governor General in Council is pleased to extend the prohibitions and directions regarding military stores as follows:

(*a*) to sulphur in quantities above ten seers, all sections of the Act to all parts of India;

(*b*) to saltpetre and lead, sections 6, 10 11, 12, 17, 19—28 in all districts on the external land frontier of British India and the seaboard districts of British Burma.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

V. The Governor General in Council is pleased, under section 11, to sanction the establishment of searching stations, under section 11, at-

(*a*) the land customs houses near the boundary line between British India and the French Settlements on the Eastern coast and the Portuguese Settlements on the Western coast;

(*b*) Allanmyo near the external boundary line between British India and the kingdom of Upper Burma.

The Governor General in Council is pleased, under section 9, to direct that at the said land customs houses the duties specified in the second Schedule shall be levied.

VI. The Governor General in Council is pleased, under section 17, to make the following rules determining the officers by whom, the form in which, and the terms and conditions on and subject to which, licenses shall be granted:

RULES.

Transport, Import, and Export.

1. No cannon, articles, designed for torpedo service, war-rockets or machinery for the manufacture of arms and ammunition, shall be transported over any part of British India without a license granted by the Governor General in Council under the signature of the Secretary to the Government of India in the Home Department. The license shall be in Form I appended to these rules, and a copy shall be at once communicated to the Magistrate of the District, or to the Political Officer of the State, to which the articles are consigned.

2. No arms or ammunition, or military stores, shall be transported in any part of British India without a license in Form II appended to these rules. If the articles are despatched from Calcutta, Madras or Bombay, the license will be granted by the Commissioner of Police; in all other cases the license will be granted by the Magistrate ofthe District. If the articles are to be consigned to a place beyond the jurisdiction of the officer granting the license, the consent of the Magistrate of the District to which the consignment is made must be obtained before the license is issued. Such consent may be obtained by the person applying for the license; or the Police Commissioner or District Magistrate, to whom application for the license is made, may

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

forward the proposed license to the officer whose consent is required, and on receiving reply should either issue the license to the applicant or inform him that his application for a license to transport arms, etc., has been refused.

3. Persons lawfully entitled to possess arms, or to go armed, are permitted to transport, to any part of British India, arms or ammunition in reasonable quantities for their own use. Any person abusing this exemption and transporting such articles otherwise than in reasonable quantities for his own use will be held to have contravened this rule, and will, on conviction, become liable to the penalties under sections 18 and 19.

4. A license to transport arms or ammunition or military stores is void if the consignment breaks bulk at any place short of the district for which it may be granted. A license to transport shall ordinarily not be made valid for more than twice the period actually required for the conveyance of the articles to their destination by the intended route.

5. No license shall be granted, save by the special order of the Governor General in Council, certified under the signature of the Secretary to the Government of India in the Home Department, for the importation into or exportation from, British India, by sea or river, or land, of any cannon or of any rifles of such quality or in such quantity as may reasonably be held to be intended for *bonâ fide* sporting purposes.

6. Licenses to import or export arms, other than cannon or rifles not excepted as in the next foregoing rule, ammunition or military stores by sea, may be granted at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi, Aden, and for no other ports. They shall be granted by the Commissioners of Police in respect of each Presidency-town, and by the Magistrate of the District in respect of Rangoon and Karachi. The fee payable in respect of each such license shall be ten rupees, and the licenses shall be in the Forms III and IV appended to these rules. It shall be a condition of such licenses that the arms and ammunition imported shall either be deposited in a warehouse sanctioned in this regard under section 7 of the Indian Arms Act, or that they shall be at once despatched to their destination under a separate license to transport.

7. Licenses to export arms, or ammunition, or military stores by land or by river to any place beyond the frontier, or to any place

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

within the limits of a feudatory State, may be granted in Form V by the Commissioner of Police or the District Magistrate, at the place of despatch. The fee leviable shall be five rupees for each such license. If the articles are consigned to a place in any feudatory State, the license shall not be issued until the consent of the Political Officer of such feudatory State has been obtained. In the case of despatches to Upper Burma, to Nepal, or to Khelat, or to any other place beyond the external frontier of British India the consent of the Secretary to the Government of India in the Foreign Department must be obtained before the license is issued. Consent to licenses to be issued under this rule may be obtained by the officer to whom application for license is made in the manner provided by Rule 2.

8. Persons desirous of transporting arms, ammunition or military stores, must apply in writing to the officer authorised to grant transport licenses from the place of despatch. The application must specify—

(*a*) the place to which the articles are to be transported, the route of transport, and the probable time occupied in the journey;

(*b*) the quantity, description, average price, and the purpose of each kind of arms or ammunition; or

(*c*) whether the applicant desires that the officer to whom he applies should obtain the consent of the Magistrate or Political Officer of the place of consignment; (if the applicant has obtained such consent, the evidence of such consent must be produced).

9. Persons transporting arms, ammunition, or military stores under a license must write legibly on the cases or packages containing such articles an account of their contents.

10. Within six days of the articles reaching their destination the consignee must deliver the transport license to the Magistrate of the District, or to the Political Officer; and in the case of articles crossing the external frontier of British India, to the Magistrate of the District where the consignment crosses the external frontier. The officer to whom the transport license shall be delivered must satisfy himself that the articles transported to his district correspond with the entries in the pass, and that any deficiency is properly accounted for.

Manufacture and sale.

11. Licenses to manufacture, convert, keep, and sell arms or ammunition or military stores may be granted by Commissioners of Police

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

in the Presidency-towns and by the Magistrate of the District outside those towns. They shall be in Forms VI and VII appended to these rules. The fee payable in stamps shall be twenty rupees in respect of licenses to manufacture and sell, etc., and ten rupees in respect of licenses to keep and sell, etc. Every license-holder under this rule shall keep, in such form as the Local Government may from time to time direct, a record and account of all stock, and of all sales of arms and ammunition or sulphur, which he may keep or sell. He shall exhibit his stock and his record, or accounts, of stock and sales to any Magistrate, or to any Police Officer not below the rank of Inspector. Magistrates, and all Police Officers not below the rank of Inspector are hereby empowered to enter and inspect any premises within their several jurisdictions in which arms or ammunition or sulphur are manufactured or kept and to examine the stock and accounts of receipts and sales of arms, ammunition and military stores. Any person licensed to sell arms and ammunition shall affix a board on a conspicuous part of his shop, or usual place of business, and shall cause to be painted thereon in large letters in English or in the vernacular of the district, his name and the words "Licensed to manufacture," or, "Licensed to deal in arms, ammunition and military stores," as the case may be. He shall also have a copy of section 28 of the Indian Arms Act posted up in the vernacular of the district or in English, on some conspicuous part of his usual place of business.

Possession of arms and going armed.

12. Licenses to possess cannon shall not be granted, save under the special order of the Governor General in Council, certified under the signature of the Secretary to the Government of India in the Home Department. A copy of such license, so certified, must be sent immediately on its issue to the District Magistrate of the place where the cannon is to be kept.

13. Licenses to possess arms and ammunition in reasonable quantities and to go armed for purposes of sport, of protection, or of display may be granted by the Magistrate of the District in Form VIII. Such licenses shall be liable to a fee of eight annas for each weapon in disarmed districts, and to a fee of four annas for each weapon in districts which have not been disarmed. Such a license will authorise its holder to carry the arms described in the license, on occasions when they may be reasonably required for the purposes named in the license. But the holder, unless specially authorised by the Magistrate, must not go armed in railway carriages, to fairs, religious processions, or

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export —*contd.*

other public assemblages. Licenses granted under this rule shall, on the countersignature by the Commissioner of the Division, or other officer authorised in this regard by the Local Government where there are no Commissioners shall be valid for all the districts of the Local Government within the territories of which the license may have been granted.

14. Any Commissioner of Police or Magistrate of the District may grant a license in Form IX for a journey, specifying the direction of the journey and the period it will occupy. Such license will be valid in other jurisdictions only for such journey and for such period and will be liable to a fee of four annas for each weapon. Political Agents may grant licenses under this rule to natives of the States where they may be serving, and such licenses granted for journeys by Political Agents shall be liable to no fee. Holders of licenses under this rule must not go armed in railway carriages, to fairs, religious processions, or other public assemblies.

15. Licenses to *possess* arms in districts which have not been disarmed may be granted in Form X without fee. Such licenses will not authorise the holders to go armed or to carry arms. In districts which have not been disarmed as well as in disarmed districts, licenses to possess and carry arms (Form VIII) will be liable to fees as stated in Rule 13.

16. Licenses for possession of arms and ammunition may be granted in Form XI without fee, and for a term of five years, to persons who require arms for the destruction of wild animals which do injury to human beings, cattle or crops. Such license will be valid only in or on the immediate confines of the district for which it is granted. It will be subject to the conditions that the license and the weapon it covers is shown once a year between the 15th November and the 31st December, to the nearest Magistrate; that the weapon becomes confiscated to Government directly it is sold or seized in execution of any debt; and that such weapon is carried only on occasions when it is to be used *bonâ fide* for the destruction of wild animals. Holders of licenses under this rule must not go armed in railway carriages, to fairs, religious processions or other public assemblages.

General.

17. Applications for licenses or in respect of licenses, under these rules if in writing, must bear a court-fee stamp of one anna.

18. Fees payable on licenses must be paid in general stamps; they will be affixed to the license and obliterated according to law.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

General—contd.

19. All licenses under Rules 11, 13 and 14 shall expire on the 31st December of the year for which they may be issued; licenses under rule 15 shall expire on the 31st December of the fifth year of their currency. But the currency of a license may be renewed, previous to its expiration, on payment of a second fee by the same authority that granted it.

20. All licenses shall be given and held subject to the conditions endorsed on the reverse, and subject to these rules, and subject to the provisions of the Act. Licenses under Rules 13 and 16 may be granted subject to the observance of a close season in the pursuit of game birds or animals that do not injure either men or cattle or crops. The limits of the close season will be decided by the Local Government, and the condition regarding such close season, if imposed, shall be endorsed on the reverse of the license.

21. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate, or by any police officer in charge of a police station, or by any police officer of higher rank.

22. Licenses granted for use within a district shall be written or printed in the vernacular language of such district. Licenses granted in a Presidency-town or for use beyond the district where they may be granted, shall be in English and may be in the vernacular as well.

23. The Assistant Resident at Aden shall exercise the powers of a Magistrate in respect of the grant of licenses under these rules.

24. A license granted under these rules will cover only the weapons or other articles and the persons named therein, unless the officer granting a license under Rule 13 or 14 deems it expedient to include the retainers of any person named in the license; in such case the entry on the face of the license shall declare how many and whose retainers are covered by the license.

25. Any officer empowered to grant a license under these rules may at his discretion refuse to grant, to renew, or to consent to the issue of, a license or may refer any application for the orders of the Local Government.

26. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superiors and of the Local Government.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM I.

License to import, or transport, or possess cannon, articles designed for torpedo service, war-rockets, or machinery for the manufacture of arms or ammunition.

Name, etc., of license-holder, and agent, if any, with residence, etc.	Number of packages.	Specification of calibre, etc., of cannon or other articles.	Number of articles.	Place of despatch and route.	Destination.	Name and residence of consignee.	Time for which pass is valid.	Use to which articles are to be put, and specification whether the license covers importation or transport or possession.
							From the _____ to the _____ 187 .	

Date on which copy is sent to the District Magistrate of the District or to the Political Officer of the State to which the articles are consigned. _____ 187 .

Secy. to the Govt. of India, Home Department.

_____ 187 .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transpor , import and export—*contd.*

FORM II.

FEE TEN RUPEES IN STAMPS.

License to transport arms, ammunition, or military stores in British India.

Name, etc., of license-holder, and agent, if any, authorised for the purpose of this consignment.	Place of license-holder's business.	Number of packages.	Arms.		Ammunition.		Place of despatch, route and mode of transit.	Time for which pass is valid.	Destination.	Name and residence of consignee.
			Description.	Number.	Description.	Number or weight in seers.		From the _____ to the _____ _____ 187 .		

Date on which consent was given by the _____ of the _____ where _____ is the place of consignment.

The _____ 187 .

Seal.

_____ of the _____ or _____ place of despatch.

The _____ 187 .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export *contd.*

This license is subject to all the provisions of the "Indian Arms Act, 1878," and of the Rules framed thereunder.

This license will be void after the expiration of the period named or if bulk is broken before reaching the place of destination.

The articles covered by this license will be delivered only to persons lawfully entitled to possess them.

This license must be delivered to the Magistrate of the District to which the articles are consigned or to the Magistrate of the District where the external frontier of India is to be crossed, and the articles must be available for exhibition to such Magistrate within six days of the consignment reaching his district.

This license is subject to all the provisions of the "Indian Arms Act, 1878," and of the Rules framed thereunder.

This license is void after the expiration of the period, named, or if bulk is broken before reaching the place of destination, or if the articles are taken by any route other than is specified on the license.

The contents of each package covered by this license must be described in legible letters on the outside of such package.

The articles covered by this license will be delivered only to persons lawfully entitled to possess the same.

This license must be delivered to the Magistrate of the District to which the articles are consigned, and the articles must be available for exhibition to such Magistrate, within six days of the consignment reaching his district.

The officer granting this license must send a copy thereof on the day of issue to the Magistrate of the District as above described.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM III.

FEE TEN RUPEES IN STAMPS.

License to import arms, ammunition or military stores into the port of _____

Name, etc., and address of license-holder.	Number of packages.	Arms.		Ammunition and Sulphur.		Purpose for which required.	Value of the cheapest firearms per piece.	Place where articles are to be deposited, or to which they are to be despatched.	Period for which the license is valid.
		Description.	Number.	Description.	Weight in seers or number.				From the ____ th ____ of ____ to the ____ th of ____ 187 .

The _____ 187 .

Seal.

(Signature) _____

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM IV.

FEE TEN RUPEES IN STAMPS.

License to import arms, ammunition or military stores by sea from the port of _____

Names, etc., and address of license-holder.	Number of packages.	Arms.		Ammunition and Sulphur.		Port to which consignment is to be despatched.	Period for which license is valid.
		Description.	Number.	Description.	Weight in seers		From the ____th of ____ to the ____th of ____ 187 . .

Date on which copy of the license was despatched by the licensing officer to the Indian port (if any) to which the consignment is to be despatched.

Seal.

(Signature) _____

of _____

The ____th of _____ 187 .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

This license is given subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

This license becomes void after expiry of the period named thereon.

This license is valid for importation only; if the articles named herein are to be transported to any place outside the Presidency-town, they must be protected by another pass for transport or export by land.

The contents of each package covered by this license shall be described in legible letters on the outside of such package.

This license is not valid for export to any Indian port, other than that named on the license.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM V.

FEE FIVE RUPEES IN STAMPS.

License to export arms, ammunition or military stores beyond the limits of British India, either by land or by river.

Name, etc., of license-holder and agent, if any.	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch and route.	Purpose for which exported.	Destination.	Name and residence of consignee.	Period for which license is valid.
		Description.	Number.	Description.	Weight or number.					From the ____ of ____ 187 to the ____ of ____ 187

Seal.

Date on which the Foreign Secretary, or the Political Officer, consented to the issue of this license.

(Signature.)

The ____ of ____ 187 .

The ____ of ____

56

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM VI,

License to manufacture, convert, or sell, or keep arms, ammunition, and military stores.

FEE TWENTY RUPEES IN STAMPS.

Name, etc., of license-holder and place of residence.	Place of business, factory and shop.	DESCRIPTION OF ARMS.		DESCRIPTION OF AMMUNITION AND MILITARY STORES.		Date on which license expires.
		To be manufactured.	To be kept and sold.	To be manufactured.	To be kept and sold.	
						The 31st of December 187 .

(Signature.)

_____ of _____

_____ District, }
_____ 187 . }

Seal.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

It is valid only for the period and the route named therein.

It becomes invalid if the consignment breaks bulk, or is stopped at any place on the journey.

It is given subject to the provisions of the "Indian Arms Act, 1878," and of the Rules framed thereunder.

The contents of each package covered by this license shall be described in legible letters on the outside of such package.

The license must be delivered to the Magistrate of the district on the external frontier to be crossed, and the articles must be available for exhibition to such Magistrate within six days of the consignment reaching his district.

In the case of a consignment to a State within British India, the license shall be delivered to the Political Officer of such State.

The officer granting the license must send, on the day of issue, a copy thereof to the Magistrate of the frontier district, or to the Political Officer.

This license is given subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder. The special attention of the holder is drawn to sections 16, 21, 22 and 28 of the Act.

The license-holder shall keep records and accounts of all arms made or converted; of all ammunition manufactured; of all stock in hand, and of all sales in such form as the Local Government may from time to time direct.

The license-holder shall exhibit his stock and his books of manufacture and sales to any Magistrate or to any police officer not below the rank of Inspector, when such officer may call upon him so to do.

The license-holder shall affix to his shop or place of business a sign-board as required by Rule II, and shall post up in his shop a copy of section 28 of the Act.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM VII.

FEE TEN RUPEES IN STAMPS.

License to keep and sell arms, ammunition and military stores.

Name, etc., of license-holder and residence.	Place of business.	Description of		Date on which license expires.	—
		Arms.	Ammunition and Military Stores.		
				The 31st of December, 187 .	

District, } Seal. (Signature.)

187 . of

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM VIII.

FEE EIGHT ANNAS FOR EACH WEAPON IN DISARMED DISTRICTS, FOUR ANNAS FOR EACH WEAPON IN OTHER DISTRICTS, PAYABLE IN STAMPS.

License to possess arms or ammunition and to go armed for purposes of sport, protection or display,

Name, etc., of licenseholder with particulars of residence	Number of retainers, if any, who may be covered by the license (Rule 23).	Description and number of weapons covered by license.	Purpose for which granted.	District or place within which license is valid.	Term for which license is valid.
					The 31st December, 187 .

Seal.

(Signature.)

_____the_____

_____

The _____of_____187 .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

This license is given subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder. The special attention of the holder is drawn to sections 16, 21, 22 and 28 of that Act.

The license-holder shall keep records and accounts of all arms and ammunition in stock, and of all sales, in such form as the Local Government may from time to time direct.

The license-holder shall exhibit his stock, his records of sales, etc., to any Magistrate, or to any police officer not below the rank of Inspector when such officer may call upon him so to do.

The license-holder shall affix to his shop a sign-board as required by Rule II, and shall post up in his shop a copy of section 28 of the Act.

This license is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

It covers only the persons and the arms named therein, unless it is certified to cover retainers of the holder.

It is void after the date named therein.

It extends only to the place or district named therein, unless countersigned for the whole province by the Commissioner or other superior officer.

It authorises the holder or persons acting under it to go armed within the place or district named, for *bonâ fide* prosecution of the purpose named on the license; but it does not permit the holder or persons aforesaid to go armed in railway carriages, to fairs, religions processions, or other public assemblages.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM IX.

FEE FOUR ANNAS FOR EACH WEAPON PAYABLE IN STAMPS FOR LICENSES GRANTED IN BRITISH INDIA; FREE OF ALL FEE FOR LICENSES GRANTED BY POLITICAL AGENTS TO SUBJECTS OF NATIVE STATES.

License to go armed—On a Journey.

Name of license-holder, with particulars of his residence.	Number of retainers, if any, who may be covered by the license (Rule 23).	Description of arms and ammunition covered by this license.	Place of departure, route and destination of journey.	Time which journey will probably take.	Date from which, and to which, the license is valid.
					From the___th of_____187, to the th of_____

_____

_____of _____187. } Seal.

(Signature.)

_____of_____ District.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM X.

FREE OF ALL FEE.

License to possess arms, ammunition or military stores in a district which has not been disarmed.

Name, etc., of license-holder with particulars of residence.	Number and description of weapons.	Description and quantity of ammunition or military stores.	Place with full details where articles are to be kept.	Term for which license is valid.
				From the _____ of _____ 187 , to the 31st of December 18 .

Seal.

(Signature.)

_____

Magistrate of the _____ District.

The _____ 187 .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

This license covers only the persons and the arms named therein unless it is certified to cover retainers of the holder.

It is void after the expiration of the period named therein.

It is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

It does not permit holders to go armed in railway carriages, to fairs, religious processions, or other public assemblages.

This license protects only the weapons and articles named, so long as they are kept in the place described on the license.

It does not authorise the holder to go armed or to carry arms.

It is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*contd.*

FORM XI.

FREE OF ALL FEE.

License to possess arms and ammunition for the purpose of destroying wild animals.

Name, etc., of license holder with particulars of residence.	Description of weapon.	Place or tract within which license is valid.	Term for which license is valid.	Title and residence of Magistrate to whom the license and weapon must be shown between the 15th November and the 31st December.
			From the _____ of ____187 to the 31st of December 187 .	

The_____of_____187 .

(Signature.)

Magistrate of the_____District.

Seal.

Notes of Magistrate to whom the license and weapon are periodically shown.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules as to exemptions from all prohibitions and directions contained in the Indian Arms Act, 1878 (XI of 1878), and as to transport, import and export—*concld.*

This license is granted subject to the provisions of the "Indian Arms Act, 1878," and the Rules framed thereunder.

The holder is bound to show his license and weapon once a year to the Magistrate of _____.

This license is void if the holder sells his weapon; if it is seized in execution of decree; if it is carried to any considerable distance beyond the limits of places named in the license; or if he fails to show it once a year to the Magistrate aforesaid.

It is void on the death of the holder.

The holder must not go armed in railway carriages, to fairs, religious processions, or other public assemblages.

The holder is bound to observe a close season as prescribed by the Local Government in respect to the under-mentioned game birds and animals which do no injury to men, cattle or crops:

Specification of animals or birds.	*Close season.*

[*See* Gazette of India, 1879, Pt. I, p. 2.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act.

No. 518, dated the 6th March, 1879.—I.—The Governor General in Council is pleased, under section 27, to exempt from the operation of all prohibitions and directions contained in sections 13, 14, 15 and 16 of the [1]Indian Arms Act, 1878, other than those referring to cannon, articles designed for torpedo service, war-rockets, rifles of ·303 bore or rifles of ·450 bore of the Martini-Henry pattern, if such rifles have been imported into British India subsequently to the 20th February, 1901, without the special sanction of the Government of India, balled ammunition which can be fired from rifles of the bores and pattern aforesaid, and machinery for the manufacture of arms and ammunition, the undermentioned persons, provided that, except where otherwise expressly stated, the arms or ammunition carried or possessed by such persons shall be for their own personal use, and shall not exceed such quantities (if any) as the Governor General in Council, or a Local Government respecting the territories under its control, may from time to time declare to be reasonable for them to carry or possess :—

Personal exemptions.

Home Department Notifications:
No. 4583, dated the 30th July, 1901.
No. 3494, dated the 20th November, 1902.

(1) All Maharajas, Rajas, Nawabs, Members of any Order of Knighthood ;

all persons to whom the Kaisar-i-Hind Medal has been awarded ;

Home Department Notification:
No. 2904, dated the 24th April, 1901.

all persons bearing a title conferred by the Government of India ;

all persons who have been granted a sword in Public Durbar ;

all persons who received certificates on the 1st January, 1877 ;

all persons who are exempted from personal attendance at Civil Courts :

(2) All Members or ex-Members of the Legislative Councils of the Governor General, the Governors of Madras and Bombay, and Lieutenant-Governors of Bengal, the North-Western Provinces and Oudh, the Punjab and Burma :

Home Department Notifications:
No. 379, dated the 27th February, 1894.
No. 1415, dated the 9th July, 1897.

[1] *See* the reprint as modified up to 1st May

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(3) All Military and Naval Officers, all Soldiers* or Sailors in the service of Her Majesty the Queen-Empress of India, all Volunteers, and such officers of the Police (including members of the Thagi and Dakaiti Department), Forest, Postal, Telegraph, Jail, Salt, Opium and Excise Departments, as the Local Government by general or special order may direct:

Home Department Notifications:
No. 1012, dated the 29th February, 1892.
No. 876, dated the 22nd June, 1893.
No. 459, dated the 22nd March, 1895.
No. 458, dated the 18th March, 1898.

(4) All Magistrates, Justices of the Peace, Deputy Collectors, Honorary Magistrates and Judicial Officers of or above the rank of Munsiff, and Officers of the Public Works Department of and above the rank of Assistant Engineer:

Home Department Notifications:
No. 1676, dated the 12th November, 1883.
No. 459, dated the 22nd March, 1895.

(5) All European and East Indian subjects of Her Majesty the Queen-Empress; all Armenians; and all Americans and Europeans not British-born subjects of Her Majesty who are temporarily residing or travelling in India;

Provided that in Burma fire-arms held without license in virtue of this exemption shall be annually registered by the holder, if in Rangoon, in the office of the Commissioner of Police, and, if outside Rangoon, in the office of the District Magistrate by such date as may be prescribed by the Local Government:

Home Department Notifications:
No. 458, dated the 18th March, 1898.
No. 326, dated the 2nd February, 1900.

The exepmtion hereby made in favour of European subjects of His Majesty the King-Emperor shall cease to extend to Mr. F. Earle, proprietor of the Dunagiri tea estate in the United Provinces.

Home Department Notification:
No. 2315, dated the 16th October, 1904.

(6) All Consuls, Consular Agents, all duly accredited Vakeels or Agents of Native States:

* The term "Soldiers" includes reservists (*vide* Home Department letter to the Government of the North-Western Provinces and Oudh, No. 758, dated the 3rd June, 1893).

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(7) Subject only to such conditions (if any) as may be prescribed by the authority hereinafter indicated, all ruling Chiefs, and such members of the families or high officials of ruling Chiefs as the Local Government may from time to time designate, on the occasions of their entering or residing in British India, with their retinues, to such numbers as may in each case be settled by the Political Officer under the orders of the Foreign Department, or of the Madras and Bombay Governments in respect to Chiefs whose political relations are with those Governments, respectively, and all officials of such Chiefs passing through British India on duty:

Home Department Notifications:
No. 459, dated the 22nd March, 1895.
No. 458, dated the 18th March, 1898.

(8) All retired officers of the Native Army who are in receipt of a pension as such, or who, not being in receipt of such a pension, have been recommended for exemption by their Commanding Officers by entry recorded on their discharge certificates, and such pensioned officers of the Civil Departments as the Local Government may, by general or special order, direct:

Home Department Notification:
No. 3494, dated the 20th November, 1902.

(9) The following personages and their retainers;—

(*a*) The ancient zemindars and poligars of the Madras presidency;

(*b*) The Deccan and Southern Mahratta Country sirdars;

(*c*) Rao Sheodarshan Singh, of Gopalpura, in the North-Western Provinces;

Home Department Notification:
No. 379, dated the 27th February, 1894

*

(*d*) The great sirdars and jagirdars of the Punjab;

* Many additions have been subsequently made to this list on the recommendation of the Local Governments, but it is not necessary to reprint them here.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(*d1*) Such members of the Talpur family of Sind as the Government of Bombay may from time to time designate :

Home Department Notification : No. 1068, dated the 4th March, 1892.

(*d2*) The undermentioned nobles and high officials of the Baroda State :

Home Department Notification : No. 1244, dated the 13th June, 1899.

(1) Anandrao Gaekwar.

(2) Sampatrao Gaekwar.

(3) Ganpatrao Shavanrao Gaekwar.

(4) Madhaorao *alias* Avchitrao Gaekwar.

Home Department Notification : No. 1506, dated the 6th June, 1900.

(5) Dada Sahib Ukhajirao Gaekwar.

(6) Mir Main-ud-din Hussain Khan.

Home Department Notification : No. 1863, dated the 14th June, 1902.

(7) Vaghoji Kuverji Raje Shirke.

(8) Mir Ihtisham Ali.

(9) Anandarao Yeshwantrao Raje Pandhre.

Home Department Notification : No. 1506, dated the 6th June, 1900.

(10) Pandurang Balwantrao Mane.

(11) Narayanrao Tatia Sahib Ghatgey.

Home Department Notification : No. 658, dated the 27th February, 1903.

(*d3*) The undermentioned nobles and high officials of the Hyderabad State :

(1) Maharaja Peshkar Sir Kishen Pershad Bahadur, K.C.I.E.

(2) Nawab Fakhr-ul-Mulk Bahadur.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd*

(3) Nawab Iftakhar-ul-Mulk Bahadur.

(4) Nawab Khani Khanan Bahadur.

(5) Nawab Asaf Yar-ul-Mulk Bahadur.

(6) Faridoonji Jamshedji, C.I.E., Private Secretary to the Minister to His Highness the Nizam.

The undermentioned persons, belonging to the Bhavnagar State Imperial Service Lancers, while temporarily residing or travelling in British India, in respect only of the swords of honour presented to them by His Highness the Thakor Sahib of Bhavnagar in recognition of their services in South Africa during the late War :—

Home Department Notification : No. 1833, dated the 27th August, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

No.	Name.	Designation.	Caste.	Native place.	District.
1	Hanubhai Ranchodji ...	Kot Duffedar...	Rajput ...	Kautharia ...	Jhallawad.
2	Mangalsinh Shivprasad ...	Duffedar ...	Do. ...	Kiratpur ...	Unao.
3	Kasalsinh Mulubha ...	Do. ...	Do. ...	Padwa ...	Gogo.
4	Jehangirkhan Chhotukhan	Farrier ...	Musalman ...	Sikar ...	Jeypur.
5	Ismail Govind ...	Do. ...	Do. ...	Bhavnagar ...	Bhavnagar.
6	Shekh Abdulkhan Shekh Husen.	Do. ...	Do. ...	Cawnpore ...	Cawnpore.
7	Ramprasad Matadin ...	Sowar ...	Rajput ...	Bhavpur ...	Benares.
8	Kirpalsinh Badlusinh ...	Do. ...	Do. ...	Tejpara ...	Etawah.
9	Jethibhai Kala ...	Do. ...	Do. ...	Lakhnaka ...	Bhavnagar.
10	Nathabhai Madarsinh ...	Do. ...	Do. ...	Bhojpara ...	Gogo.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(*d4*) Such officials of the Paigah Nobles and the larger Jagirdars of the Hyderabad State as may be authorized by the Resident at Hyderabad to carry arms when travelling on duty from one part of the Hyderabad territory to another part of the same territory.

Home Department Notification: No. 2929, dated the 13th August, 1903.

Home Department Notification: No. 575, dated the 3rd March, 1905.

(*d5*) The undermentioned Mehwasi Chiefs of the Khandesh District—

(1) Gumansing Sonji Wasava of Chikhali.
(2) Surapsing Khatia Valvi of Raisingpur.
(3) Chandrasing Ratur Padvi of Kathi.
(4) Bapu Gumba Padvi of Singpur.
(5) Fulsing Lashkari Padvi of Nawalpur.
(6) Surapsing, minor son of Lashkar Kanba Padvi of Nal.

(*e*) The zemindars of the scheduled districts in the Central Provinces;

(*f*) The great zemindars of Bengal;

Home Department Notification: No. 1315, dated the 2nd September, 1886.

(*g*) The Mahant of Tirupati, in the North Arcot District of the Madras Presidency, and his retainers;

Home Department Notification: No. 758, dated the 6th March, 1903.

Maharaja Deb Shamsher Jang, Rana Bahadur, Ex-Prime Minister of Nepal, residing at Mussoorie;

(*h*) The retainers of—

Home Department Notifications: No. 379, dated the 27th February, 1894. No. 3215, dated the 24th September, 1903.

Raja Mahendra Man Singh of Bhadawar;

Raja Sir Dinkar Rao Mushir-i-Khas Bahadur, K.C.S.I.;
Raja Rup Sah, of Jagamanpur;
Raja Ram Singh, of Rampura;
Raja Sardar Singh, Bahadur, of Katehra;

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Raja Atma Ram Baba Bahadur, of Gurserai ;

His Highness Maharaja Sir Prabhu Narayan Singh, Bahadur, K.C.I.E., of Benares;

Raja Hari Raj Sing, of Kashipur ;

The Honourable Raja Udai Partab Singh, C.S.I., of Bhinga ; and

Raja Balwant Singh, of Awa ;

The Oudh retainers of His Highness Raja Jagatjit Singh, Bahadur, of Kapurthala, Raji-i-Rajagan ;

Home Department Notification : No. 1167, dated the 6th July, 1894.
Home Department Notification : No. 1051, dated the 11th July, 1895.
Home Department Notification : No. 1524, dated the 7th October, 1896.
Home Department Notification : No. 754, dated the 6th May, 1898.
Home Department Notification : No. 2050, dated the 10th August, 1900.
Home Department Notification : No. 1818, dated the 23rd August, 1904.

Raja Bhagwati Parshad Singh, of Balrampur ;

Raja Kishen Kumar, of Sashaspur Bilari ;

Rani Satrupa Kunwar, widow of the late Raja Kalka Singh of Katiari ;

Raja Raghoji Rao of Deor, in the Central Provinces ;

Raja Ram Partab Singh, of Manda;

Maharaja Sir Partab Narayan Singh, K.C.I.E., Talukdar of Ajudhya ;

The Prince of Arcot.

Home Department Notifications: No. 1745, dated the 22nd November, 1893. No. 458, dated the 18th March, 1898.

Subject only to such orders as the respective Local Governments may issue regarding the personages to be included in these categories, and the number of weapons and of retainers in each case :

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(10) Landholders and members of Municipal Boards or Committees of approved loyalty and of good position, according to lists that may from time to time be issued by the respective Local Governments:

Home Department Notification: No. 379, dated the 27th February, 1894.

(11) All heads of villages, ghatwals, dighwars and other rural Police in respect of such arms as the Local Government may from time to time notify to be necessary for the discharge of their Police duties:

Home Department Notification: No. 371, dated the 18th February, 1887.

(12) All persons of Coorg race; and all jumma tenure-holders in Coorg, who by their tenures are liable for Police and Military duties:

Home Department Notifications: No. 484, dated the 30th March, 1898. No. 458, dated the 18th March, 1898.

(13) All subjects of the Baroda State, who may transport arms or ammunition from one part of Baroda territory to another part of the same territory, under the license granted by the Resident or Assistant Resident of Baroda:

(14) All revenue officials and postal runners in frontier or wild districts where the superior departmental officers direct them to carry arms on duty:

Home Department Notification: No. 1168, dated the 23rd July, 1880.

[NOTE.—This clause does not apply to the Punjab.]

(15) Such subordinate officials of the Geological Survey of India as may from time to time be authorized by the Superintendent of the Geological Survey to possess or carry arms, the number and description of which should be specified in each case.

Home Department Notification: No. 1385 dated the 6th September, 1880.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Home Department Notification:
No. 1754, dated th h October, 1885.

(16) The holders for the time being of the undermentioned offices—

The Office of Diwan of Edar in the Mahi Kanta Agency;

The Office of Private Secretary to His Highness the Maharaja of Edar:

Home Department Notification:
No. 58, dated the 15th January, 1886.

(17) All malikana-holders in the Malabar District of the Madras Presidency:

Home Department Notifications:
No. 827, dated the 15th June, 1893.
No. 1415, dated the 9th July, 1897.

(18) All persons to whom firearms have been presented by the Government of Burma;

(19) Shan Sawbwas and other native Chiefs, subject only to such orders as the Local Government may issue regarding the personages to be included in this category and the number of weapons and retainers in each case.

Home Department Notifications:
No. 1415, dated the 9th July, 1897.
No. 458, dated the 18th March, 1898.

The Governor General in Council is pleased to exempt from the operation of section 15 of the said Act the undermentioned persons, residents of Cawnpore in the North-Western Provinces, in respect of a sword and a dagger which were granted to their father for good services rendered to Government:—

Home Department Notification:
No. 1344, dated the 9th September, 1881.

Rajbansi and Brindaban, sons of the late Ram Baksh, Subadar Bahadur of the Nepal Escort.

The Governor General in Council is pleased to exempt from the operation of any prohibition and direction contained in that Act all Gurkha pensioners of Her Majesty's Indian Forces who reside in British India in respect of weapons known as

Home Department Notification:
No. 1201, dated the 22nd July, 1891.

kúkris.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Home Department Notification: No. 1982, dated the 14th May, 1903.

The Governor General in Council is pleased to exempt from the operation of all prohibitions and directions contained in the Act all British officers in regimental employ, members of Volunteer Corps, Staff Sergeants and Warrant officers of British Units of the Army, including such as are instructors of Volunteer Corps, in respect of single barrel rifles of '303 bore used or intended to be used by them for match-shooting purposes, subject to the following conditions, namely:

(*a*) that only one such rifle at a time shall be imported or used by any individual hereby exempted,

(*b*) that the rifle shall be sighted to a range of over 1,000 yards,

(*c*) that the rifle shall become part of the equipment of the Corps to which the owner may, for the time being, belong,

(*d*) that the owner shall, at the time of importation, produce a certificate from the Commanding Officer of the Corps to which he belongs to the effect that the weapon will be brought on to the equipment ledger of the Corps and will be accounted for in the same manner as other equipment, and

(*e*) that this exemption shall cease to have effect on the owner leaving regimental employ permanently or the Volunteer force, as the case may be: provided that if he departs from India immediately after so leaving, he may take the weapon with him.

Exclusion of certain kinds of arms.

II.—The Governor General in Council is pleased, under section 27, to exclude from the operation of any prohibition and direction contained in the Act:—

(*a*) spears of all kinds, so far as regards the Presidency of Madras;

(*b*) weapons known as *kúkris* and *dhaos*, so far as regards the Lieutenant-Governorship of Bengal;

(*c*) weapons known as "das," being of a kind intended exclusively for domestic, agricultural or industrial purposes, so far as regards Burma, and spears of all kinds, so far as regards the Arakan Hill Tracts;

Home Department Notification: No. 827, dated the 15th June, 1893.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(*d*) swords, daggers, spears, *kúkris*, *dhaos*, so far as regards the Chief Commissionership of Assam ;

(*e*) bows and arrows ;

(*f*) spears of all kinds in Bengal and in the North-Western Provinces and Oudh, so far as regards districts or parts of districts which the Local Government may declare to come within this exemption ;

Home Department Notification :
No. 201, dated the 12th February, 1884.

(*g*) *kúkris*, so far as regards the districts of Dehra Dun, Kumaon, and Garhwal in the North-Western Provinces ;

Home Department Notifications :
No. 1010, dated the 23rd May, 1879 ;
No. 790, dated the 7th April, 1887.

(*h*) uniform swords and dirks manufactured in Europe of recognised military or official patterns, when possessed by or intended to be supplied to persons entitled to wear them as part of their uniforms ;

Home Department Notifications :
No. 760, dated the 19th May, 1882.
No. 1205, dated the 20th June, 1890.
No. 459, dated the 22nd March, 1895.

(*i*) swords imported for presentation as Army or Volunteer prizes ;

Home Department Notification :
No. 957, dated the 23rd June, 1882.

(*j*) ornamental arms of an obsolete pattern possessing only antiquarian value, masonic swords and theatrical and fancy dress swords, provided they are virtually useless for offensive and defensive purposes ;

Home Department Notifications :
No. 533, dated the 31st March, 1884.
No. 2061, dated the 10th August, 1900.

(*k*) spears and hunting knives in the Bombay Presidency, the Central Provinces and Coorg ;

Home Department Notification :
No. 885, dated the 21st May, 1885.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(*l*) *katyars* or small daggers which are used in Mahratha marriage processions in the Bombay Presidency, so far as regards districts or places which the Local Government may declare to come within this exemption.

Home Department Notification:
No. 484, dated the 30th March, 1897.

(*m*) swords so far as regards the district of Angul in Bengal.

Home Department Notification:
No. 3030, dated the 16th November, 1900.

Swords carried by Tahsildars or Peons when employed in the collection, custody or remittance to Treasuries of water-rates in the district of Shahabad, Patna, or Gaya in Bengal.

Home Department Notification:
No. 249, dated the 5th February, 1903.

Toy cannon weighing less than 56 lbs., having a calibre of less than one inch, a length of bore of less than twenty-four inches and the interior of the bore unrifled.

Home Department Notification:
No 281, dated the 6th February, 1903.

The Governor General in Council is pleased to exclude gun-wads and wire cartridges from the operation of section 6 of that Act.

Home Department Notifications:
No. 591, dated the 29th April, 1886.
No. 733, dated the 19th April, 1894.

The Governor General in Council is pleased to exempt from the prohibitions and directions contained in section 6 of the said Act such arms, ammunition, and military stores brought into an Indian port as may be declared under manifest to be consignments without transhipment to another port, provided such other port be not situate on the coast of India, between the most westerly point of India, and the most southerly point of Burma, and provided such port be not a foreign port on the eastern seaboard of Africa.

Home Department Notification:
No. 1572, dated the 29th August, 1879.

This exemption will become void in the event of any of the articles claiming such exemption being landed at, or transhipped in, the port into which they may have been brought.

Home Department Notification:
No. 902, dated the 27th April, 1904.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

The Governor General in Council is pleased to cancel the Notifications of the Government of India in the Home Department cited on the margin, and to direct that the following additions be made to the like Notification No. 1572, dated the 29th August, 1879, namely:—

No. 907, dated the 13th April, 1900.
No. 2385, dated the 31st July, 1902.

(1) After the word "Africa" the words "and provided that such port be not on the sea-board of Persia, the Persian Gulf, Baluchistan or Gwadur," shall be added.

(2) At the end the following paragraph shall be added:

The Governor General in Council is further pleased to exempt from the prohibitions and directions contained in section 6 of the said Act:—

(*a*) small parcels of arms or ammunition in respect of which the Persian Consul-General in London has certified in writing that permission has been granted by the Persian Government for their importation into Persia and that they are intended in good faith for the private and personal use of the consignee; and

(*b*) arms, ammunition and military stores consigned to any port in the Persian Gulf or on the sea-board of Persia, Baluchistan or Gwadur which have been exported from a port in British India under a license duly granted at that port and are in transit in any intermediate port in British India.

The Governor General in Council is pleased, in modification of the orders published in the Notification of the Government of India in the Home Department, No. 1572, dated the 29th August, 1879, to exempt from the prohibitions and directions contained in section 6 of the said Act, such arms, ammunition, and military stores brought into the port of Aden, as are consigned whether with or without transhipment, from any other British port to any port on the eastern sea-board of Africa, other than a port to which the shipment of arms is for the time being forbidden under an order signed by the Resident at Aden.

Home Department Notification:
No 2886, dated the 7th August, 1903.

The Governor General in Council is pleased to exempt from the prohibitions and directions contained in section 6 of the said Act, such arms, ammunition and military stores brought into an Indian port as may be declared under manifest to

Home Department Notification:
No. 75, dated the 14th January, 1880.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*cont d.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

be consignments without transhipment to another Indian port provided that the port to which such arms, ammunition or military stores are consigned is one of the ports named in Rule 6.

This exemption will become void in the event of any of the articles claiming such exemption being landed at, or transhipped in any port other than that to which the articles are consigned.

Exemption of certain tracts.

III.—The Governor General in Council is pleased, under section 27, to withdraw from the operation of prohibitions and directions contained in the Act certain tracts as follows:—

(*a*) all scheduled districts in the Madras Presidency from all prohibitions and directions, save in respect to rifled arms and cannon, and except those directions contained in sections 12 and 25;

(*b*) the Chittagong Hill Tracts of Bengal from the prohibitions and directions contained in sections 13 and 14;

* * * * * *

(*e*) in the North-Western Provinces the parts of the Mirzapore District on the right bank of the river Sone, from the prohibitions and directions contained in sections 13 and 14, except in so far as they relate to cannon.

Home Department: Letter No. 2364, dated the 26th December, 1892, and Notification No. 1956, dated the 7th October, 1898.

(*f*) Ajmer and Merwara from the operations of all prohibitions and directions contained in sections 13 and 14, except in so far as they relate to cannon.

Foreign Department Notification: No. 140-I. J., dated the 11th June, 1879.

In exercise of the powers conferred by section 27 of the Indian Arms Act (XI of 1878), the Governor General in Council is pleased to withdraw from the operation of the prohibitions and directions contained in sections 13, 14, 15 and 16 of the said Act, the lands ceded to the British Government by the Bahawulpur State, which are occupied by the North-Western Railway and lie between the stations of Bahawulpur and Walhar:

Home Department Notification: No. 496, dated the 14th April, 1893.

Provided nevertheless that no person who shall refuse or neglect to comply with the regulations or rules of the Railway for the time

* Clauses (*c*) and (*d*) have been cancelled, *vide* Part III-A.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878, (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

being in force regarding the custody of arms while in passenger trains shall be entitled to the benefit of this exemption.

Home Department Notification: No. 5375, dated the 27th September, 1901.

In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), as applied by the Notification of the Government of India in the Foreign Department, No. 3387-I. B., dated the 13th November, 1899, to the lands lying within the State of His Highness the Nawab of Bahawulpur, which are, or may hereafter be, occupied by the Southern Punjab Railway (including the lands occupied by stations, by out-buildings, and for other railway purposes), the Governor General in Council is pleased to withdraw from the operation of the prohibitions and directions contained in sections 13, 14, 15 and 16 of the said Act so much of the said lands as lie between the stations of Samasata and Shujawalpur.

Provided nevertheless that no person who shall refuse or neglect to comply with the regulations or rules of the Railway for the time being in force regarding the custody of arms while in passenger trains shall be entitled to the benefit of this exemption.

Home Department Notification: No. 3031, dated the 16th November, 1900.

III-A.—The Governor General in Council is pleased, under section 27, to withdraw and exempt respectively from the operation of prohibitions and directions contained in the Act certain tracts and classes of persons within the territories administered by the Lieutenant-Governor of the Punjab as follows:—

(*a*) the following tracts and classes of persons from all the prohibitions and directions contained in section 13 of the said Act, other than such as relate to arms of the kinds known as rifles, pistols and daggers, namely:—

(1) the parganas of Lahaul and Spiti in the Kangra District;

(2) the Peshawar and Kohat Districts, except the Cantonments and Municipalities included in the said districts;

(3) the following portions of the Hazara District, namely:—

(i) the jagir of the Nawab of Amb, commonly known as Feudal Tanawal (including the Phulera Jagir); and

(ii) the villages of which a list is appended to Punjab Government Notification (Home Department) No. 2460, dated the 3rd July, 1879, except the Municipality of Baffa;

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(4) the portions of the districts of Bannu, Dera Ismail Khan and Dera Ghazi Khan, not being part of a Cantonment or Municipality lying to the west of the road—

(i) from Bannu to Latammar,

(ii) from Bannu to Kasmor *vid* Jani Khel, Mullazai, Tank, Kulachi, Draband, Vehoa, Mangrota, Vador, Harrand, Kot Ram and Toziani;

(5) persons of the class known as Baloches belonging to any organized tuman while within the limits of their own or any other tuman in the Dera Ghazi Khan District;

(6) armed guards required to accompany sheep, goats, asses and cattle under the provisions of the Frontier Grazing Regulation, 1874 (I of 1874);

(7) villagers in the districts of Peshawar, Kohat, Hazara, Bannu, Dera Ismail Khan and Dera Ghazi Khan pursuing raiders or persons of the class known as trans-border Pathans and Baloches who have committed or attempted to commit an offence in British India:

(*b*) the following tracts and classes of persons from all the prohibitions and directions contained in section 14 and section 15 of the said Act, other than such as relate to arms of the kind known as rifles, pistols or daggers or to rifle ammunition, namely:—

(1) the parganas of Lahaul and Spiti in the Kangra District;

(2) the Peshawar and Kohat Districts;

(3) the following portions of the Hazara District, namely:—

(i) the jagir of the Nawab of Amb, commonly known as Feudal Tanawal (including the Phulera Jagir); and

(ii) the villages of which a list is appended to Punjab Government (Home Department) Notification No. 2460, dated the 3rd July, 1879;

(4) the Bannu and Dera Ismail Khan Districts, except the portions thereof lying to the east of the river Indus;

(5) the Dera Ghazi Khan District;

(6) armed guards required to accompany sheep, goats, asses and cattle under the provisions of the Frontier Grazing Regulation, 1874 (I of 1874);

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(7) villagers in the districts of Peshawar, Kohat, Hazara, Bannu, Dera Ismail Khan and Dera Ghazi Khan pursuing raiders or persons of the class known as trans-border Pathans and Baloches who have committed or attempted to commit an offence in British India:

Provided that nothing in this Part shall be deemed to exempt any person of the class known as trans-border Pathans from any of the prohibitions or directions contained in the said sections 13, 14 and 15 above specified.

IV.—In exercise of the powers conferred by section 4 of the Indian Arms Act, 1878, the Governor General in Council is pleased to extend—

Extension of the Act to sulphur, saltpetre and lead.

(*a*) all sections of the Act to sulphur in quantities exceeding, in Burma, one seer, and elsewhere throughout British India, ten seers;

Home Department Notification: No. 508, dated the 1st March, 1888.

(*b*) Sections 6, 10, 11, 12, 17, 19, 20, 22, 24, 25, 26 and 28 of the Act to all saltpetre and lead (except sheet lead used for the purpose of packing tea and saltpetre in quantities under 10lb weight when required for medicinal purposes) in all districts on the external land frontier of British India and throughout Burma; and

Home Department Notification: No. 484, dated the 30th March, 1897.

(*c*) all sections of the Act to all saltpetre and lead in the district and port of Aden.

(*d*) Sections 5, 14 and 16 to all lead, other than leaden bird-shot and bullets when possessed in quantities not exceeding 1 cwt. at any one time, in the North-West Frontier Province and in the districts of Rawalpindi, Dera Ghazi Khan and Mianwali in the Punjab.

Home Department Notifications: No. 2641, dated the 10th July, 1903. No. 218, dated the 27th January, 1904.

Sections 5, 7, 14 and 16 of the Act to all saltpetre and lead (except sheet lead used for the purpose of packing tea and saltpetre in quantities under one pound weight when used by goldsmiths for the purposes of their trade) throughout Burma.

Home Department Notification: No. 666, dated the 24th March, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Home Department Notification: No. 734, dated the 19th April, 1894.

In exercise of the powers conferred by section 4 of the Indian Arms Act, 1878, the Governor General in Council is pleased to declare that leaden bird-shot and bullets, when possessed in quantities exceeding 1 cwt. at any one time, throughout India, and in any quantity in Burma, shall be deemed to be military stores within the meaning of the said Act, and shall be subject to the same restrictions as those placed on lead by clause (*b*) of Home Department Notification No. 508, dated the 1st March, 1888.

Establishments of searching stations.

V.—The Governor General in Council is pleased, under section 11, to sanction the establishment of searching stations at—

(*a*) the land custom-houses near the boundary line between British India and the French Settlements on the eastern and western coasts and the Portuguese Settlements on the western coast.

The Governor General in Council is pleased, under section 9, to direct that at the said land custom-houses the duties specified in the second schedule shall be levied.

VI.—The Governor General in Council is pleased, under section 17, to make the following rules determining the officers by whom, the form in which and the terms and conditions on and subject to which, licenses shall be granted:—

RULES.

TRANSPORT, IMPORT AND EXPORT.

Import, transport and export of cannon, war-rockets, and machinery for the manufacture of arms and ammunition. Home Department Notification: No. 2641, dated the 10th July, 1903.

1. No cannon, articles designed for torpedo service, war-rockets or machinery for the manufacture of arms and ammunition shall be imported into British India, or transported over any part of British India, without a license granted by the Governor General in Council under the signature of the Secretary to the Government of India in the Home Department. The license shall be in Form I appended to these rules, and a copy shall be at once communicated to the Magistrate of the District to which the articles are consigned.

Transport of arms, ammunition or military stores. Home Department Notification: No. 326, dated the 2nd February, 1900.

2. No arms or ammunition or military stores shall be transported in any part of British India without a license in Form II appended to these Rules. If the articles are despatched from Calcutta, Madras, Bombay or Rangoon, the license will be granted by the Commissioner of Police; in

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

all other cases the license will be granted by the Magistrate of the district. If the articles are to be consigned to a place beyond the jurisdiction of the officer granting the license, the consent of the Magistrate of the district to which the consignment is made must be obtained before the license is issued. Such consent may be obtained by the person applying for the license; or the Police Commissioner, or District Magistrate, to whom application for the license is made, may forward the proposed license to the officer whose consent is required; and on receiving reply should either issue the license to the applicant, or inform him that his application for license to transport arms, etc., had been refused. The fee payable in respect of every such license shall be ten rupees.

Home Department Notification:
No. 114, dated the 25th January, 1883.

Provided that no license for the transport of breech-loading rifles or balled rifle ammunition to the North-West Frontier Province and to the districts of Rawalpindi, Dera Ghazi Khan and Mianwali in the Punjab, shall be granted without the previous sanction of the Local Government, or in the case of transport from Sind, of the Commissioner in Sind.

Home Department Notifications:
No. 902, dated the 20th February, 1901.
No. 2641, dated the 10th July, 1903.

Provided also that in the case of breech-loading rifles and balled rifle ammunition the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta, and in Rangoon, where the Commissioner of Police will continue to grant such licenses) be granted without the previous sanction of the Board of Revenue in Madras, of the Chief Commissioner in Assam and in Coorg, and of the Commissioner of a Division in other Provinces.

Home Department Notifications:
No. 902, dated the 20th February, 1901.
No. 2641, dated the 10th July, 1903.
Home Department Notification:
No. 5205, dated the 13th September, 1901.

Every consignment of arms or ammunition or military stores transported in any part of British India by Railway shall be conspicuously marked with the words "Arms," "Ammunition" or "Military Stores," as the case may be, in such a manner as to be readily recognizable by the Railway authorities. A copy of the license to transport the articles shall be attached to the way-bill when the consignment is booked as a parcel, and to the invoice when booked as goods, and no consignment shall leave

Home Department Notification:
No. 1100, dated the 10th August, 1893.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

the railway premises without the contents being verified and compared with the license by the Railway Police at the place of delivery. Telegraphic advice of every such consignment shall be sent to the receiving station by the Railway authorities at the forwarding station.

Transport of arms, ammunition or military stores by persons lawfully entitled to possess them.

3. Persons lawfully entitled to possess arms, or to go armed, are permitted to transport, in any part of British India, arms and ammunition in reasonable quantities for their own use. Any person abusing this exemption, and transporting such articles otherwise than in reasonable quantities for his own use, will be held to have contravened this rule, and will, on conviction, become liable to the penalties under sections 18 and 19.

Home Department Notification: No. 474, dated the 22nd March, 1882.

3-A. A person licensed to possess arms, ammunition or military stores, or who is exempted from the liability to take out such a license, is entitled to transport to his residence, from the premises of a licensed dealer, arms, ammunition, or military stores without a separate transport license, so long as the articles purchased are in reasonable quantity and for his own use. A licensed dealer in arms, ammunition and military stores may supply the order of any such person, and may, without a separate transport license, send or despatch, in any way desired, to the residence of the purchaser, the articles ordered by any such person, so long as they fulfil the requirements of Rule 3, and are legibly addressed to the person for whom they are intended.

Validity of transport license.

4. A license to transport arms or ammunition or military stores is void if the consignment breaks bulk at any places hort of the district for which it may be granted. A license to transport shall ordinarily not be made valid for more than twice the period actually required for the conveyance of the articles to their destination by the intended route.

Licenses to import cannon and rifles for non-sporting purposes.

Home Department Notification: No. 1842, dated the 10th October, 1879.

5. No license shall be granted, save by the special order of the Governor General in Council, certified under the signature of the Secretary to the Government of India in the Home Department, for the importation into British India by sea or river or land, or for exportation from British India by sea, of any cannon or of any rifles or parts of or fittings for rifles, except rifles or parts of or fittings for

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

rifles of such quality or in such quantity as may reasonably be held to be intended for *bonâ fide* sporting purposes.

Home Department Notifications:
No. 902, dated the 20th February, 1901,
No. 3494, dated the 20th November, 1903.

NOTE.—No such license will be granted for the importation of any rifles of ·303 bore or rifles of ·450 bore of the Martini-Henry pattern.

6. Licenses to import or export arms, other than cannon or rifles not excepted as in the next foregoing rule, ammunition or military stores by sea, may be granted at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi, Aden and for no other ports except that at the ports of Akyab and Moulmein licenses for the import of saltpetre and lead only may be granted, and at the port of Tuticorin licenses may be granted only for the import of sulphur proved to the satisfaction of the Local Government to be intended for *bonâ fide* medicinal, manufacturing or agricultural purposes. They shall be granted by the Commissioners of Police in respect of the Presidency-towns and of Rangoon and by the Magistrate of the district in respect of Calicut, Moulmein, Akyab and Karachi, and by the Local Government in respect of Tuticorin. The fee payable in respect of each such license shall be ten rupees, except in respect of licenses for the import of sulphur at Tuticorin, which may be granted without payment of any fee as provided in rule 16-C., and the licenses shall be in the Forms III and IV appended to these Rules. It shall be a condition of such licenses that the arms, ammunition, or military stores imported shall either be deposited in a warehouse appointed under section 15 of the Sea Customs Act, 1878, or in a warehouse licensed under section 16 of the same Act, and sanctioned in this regard under section 7 of the Indian Arms Act, 1878, or that they shall be at once despatched to their destination under a separate license to transport.

Licenses to import arms, ammunition or military stores.
Home Department Notifications:
No. 3518, dated the 16th November, 1903.
No. 1603, dated the 19th July, 1904.

Home Department Notification:
No. 1427, dated the 28th August, 1894.

Provided that in the case of breech-loading rifles and balled rifle ammunition the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta, and in Rangoon, where the Commissioner of Police will continue to grant such licenses) be granted without the previous sanction of the Board of Revenue in Madras, of the Chief Commissioner in Assam and in Coorg, and of the Commissioner of a Division in other Provinces.

Home Department Notification:
No. 902, dated the 20th February, 1901.
Home Department Notification:
No. 5205, dated the 13th September, 1901.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Licenses to export arms, other than cannon, or rifles not excepted in Rule 5, ammunition or military stores by sea to any place in His Majesty's dominions may be granted at the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi and Aden by the Commissioner of Police in respect of each Presidency-town and Rangoon and by the Magistrate of the District in respect of the others. There shall be no fee payable in respect of such licenses which shall be given in Form IV of license forms annexed to these rules.

Licenses to export arms, ammunition or military stores to places within His Majesty's dominions.
Home Department Notification:
No. 902, dated the 20th February, 1901.

Arms, ammunition or military stores in the possession of a passenger not exempted under paragraph 1 above arriving in a vessel bound for a Foreign port and calling at a British Indian port *en route* shall be detained by the Collector of Customs pending the departure of such passenger by sea.

Detention of arms, ammunition or military stores in possession of an unexempted person arriving in a vessel bound for a Foreign port.
Home Department Notification:
No. 902, dated the 20th February, 1901.

Licenses to import arms or ammunition and military stores in Aden shall be subject to the condition that such articles shall be landed at the Maala Pier only, and shall thence be removed by the importers to the Government warehouse appointed from time to time by the Resident for that purpose.

Licenses to import arms, ammunition and military stores in Aden.
Home Department Notification:
No. 1016, dated the 26th May, 1879.

6-A. In the case of arms other than cannon or rifles not excepted as in Rule 5, ammunition or military stores imported under license into a British port and exported thence to another British port named in Rule 6 or in Rule 6-B, the necessary licenses for such re-export and import may be granted on payment of a fee of one rupee (each) instead of ten rupees. Such licenses shall be in Forms III and IV appended to these Rules.

Licenses for the import of arms, ammunition or military stores from British port to another British port.
Home Department Notification:
No. 1601, dated the 30th August, 1879.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

6-B. Licenses to import by sea from Madras into the ports of Calicut, Tuticorin, Cochin, Bimlipatam, Coconada, Negapatam, Mangalore, Gopalpur, Vizagapatam, Pamban and Masulipatam, and from Rangoon into the ports of Akyab, Moulmein, Sandoway, Kyouk-phyoo, Tavoy and Mergui, and from Bombay into the ports of Cochin and Mangalore, may be granted by the Magistrates of the districts in which those ports are respectively situated, in respect of arms other than cannon or rifles not excepted by Rule 5, ammunition or military stores. The fee payble in respect of each such license shall be one rupee, and the license shall be in Form III appended to these Rules.

Licenses to import arms, ammunition or military stores into Indian ports.

Home Department Notifications:

No. 483, dated the 7th March, 1894.

No. 1948, dated the 16th September, 1904.

6-C. Licenses to import into British India by land, or river, arms (other than arms for which the Governor General in Council is to issue special order under Rule 5, or arms imported solely for purpose of repair under the proviso to this rule), ammunition or military stores may be granted by the Magistrate of the district to which such arms, ammunition or military stores are consigned or, if such arms, ammunition or military stores are consigned to a Presidency-town or Rangoon, by the Commissioner of Police. The fee payable in respect of each such license shall be rupees five; but officers granting such licenses are empowered to remit the fee when the arms, ammunition or military stores are of a reasonable quantity, and such officers are satisfied that they are required *bonâ fide* for purposes of protection of person or property. In the case of arms, ammunition or military stores imported from a Native State, a copy of the license shall be sent by the officer granting it to the Political Officer of the State from which they are to be imported. If the district to which the arms, ammunition or military stores are consigned is other than a district on the frontier of British India, and they are to cross that frontier by road or river, a copy of the license shall also be sent to the Magistrate of the district on the frontier of British India through which the consignment must pass, who shall, if he thinks necessary, before permitting the arms, ammunition or military stores to leave his district, require the holder of the license to produce them for his inspection. In cases in which the arms, ammunition or military stores

Licenses to import into British India, by land or river, arms, ammunition or military stores.

Home Department Notifications:

No. 865, dated the 8th June, 1882.

No. 484, dated the 30th March, 1897.

No. 2641, dated the 10th July, 1893.

Home Department Notification:

No. 326, dated the 2nd February, 1900.

Home Department Notification:

No. 2641, dated the 10th July, 1903.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

are to cross the frontier of British India by rail, a copy of the license shall be sent to the railway authorities at the place to which the arms, ammunition or military stores are to be conveyed by railway. The railway authorities shall in every such instance satisfy themselves before delivery that the arms, ammunition or military stores claimed by any consignee correspond with the description given in the original license, which must be produced by him, and also that the license is identical in substance with the copy sent to them by the officer granting it. If the license is not produced, or the arms, ammunition or military stores claimed do not correspond with the description in the license, the Railway authorities shall give immediate notice of the fact to the nearest Magistrate. Nothing in this rule applies to import into the district of Ajmer.

The license shall be prepared in Form III-A appended to these Rules.

Provided that in the case of arms sent solely for the purpose of repair, the Political Officer of a Native State may give a license for import and export free of charge to the owner if he resides in the State and is included in the exemptions in paragraph I.

Home Department Notification: No. 484, dated the 30th March, 1897.

Provided also that in the case of breech-loading rifles and balled rifle ammunition the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta, and in Rangoon, where the Commissioner of Police will continue to grant such licenses) be granted without the previous sanction of the Board of Revenue in Madras, of the Chief Commissioner in Assam and in Coorg, and of the Commissioner of a Division in other Provinces.

Home Department Notification: No. 902, dated the 20th February, 1901.

Home Department Notification: No. 5205, dated the 13th September, 1901.

Licenses to export arms, ammunition or military stores to ports in Native States.

6-D. Notwithstanding anything in Rule 6—

the Secretary to the Government of India in the Foreign Department or any officer especially empowered by the Governor General in Council in this behalf,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

may grant a license to export ammunition or military stores, or to export arms, other than cannon or than such rifles as come within the operation of Rule 5 of these rules, from the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi or Aden, to any port in a Native State in India or to any foreign port in foreign territory:

Home Department Notification: No. 1303, dated the 5th September, 1895.

Provided that no license shall be granted under this rule to export ammunition, military stores or arms as aforesaid to any port on the coast of Arabia other than a port within the area of the political jurisdiction of the Political Resident at Aden, or of the Political Resident in the Persian Gulf or of the Political Resident in Turkish Arabia:

Provided also, that no officer, other than the Resident at Aden, shall be specially empowered under this rule to grant a license to export ammunition, military stores or arms as aforesaid to any port on the coast of Africa or Arabia which is within the area of the political jurisdiction of the said Resident at Aden.

7. Licenses to export cannon, arms or ammunition or military stores by land or by river to any place beyond the frontier of British India, and licenses to import arms or ammunition or military stores into, or to export the same out of, the district of Ajmer, may be granted by the Secretary to the Government of India in the Foreign Department, or by any other officer specially empowered by the Government of India to grant them.

Licenses to export arms, ammunition, or military stories to the frontier of Britsh India or to places within Feudatory States.

Home Department Notifications: No. 1892, dated the 5th November, 1881. No. 1802, dated the 1st December, 1893.

Home Department Notification: No. 2641, dated the 10th July, 1903.

Licenses to export arms or ammunition or military stores by land or by river to any place within the political jurisdiction of the Governments of Madras and Bombay may be granted by the Secretaries to the Governments of Madras and

Licenses to export arms, ammunition or military stores to Native States in Madras and Bombay.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Bombay respectively,* copies of such licenses being sent to the Foreign Department of the Government of India for information. These licenses will be valid only for the State named in them, and no export beyond the limits of that State can be permitted under them.†

Licenses granted under this rule will be prepared in Form V, and be charged with a fee of Rs. 5, except in such cases as the Government of India in the Foreign Department may grant exemption from, or reduction of, the prescribed fee. Licenses to import arms, ammunition or military stores into Ajmer will also be granted in Form V, the word export in the heading of the license being changed into import.

Copies of such licenses shall be sent on the day of issue to the Political Officer of the State to which the articles are to be exported; and, in the case of imports into Ajmer, to the Commissioner of the district. Copies shall also be sent to the Magistrate of the district on the frontier of British India if the articles are to cross that frontier by road or river. If the articles are to be carried across that frontier by rail, a copy of the license should, in the case of consignments despatched from Presidency-towns or from Rangoon, be sent to the Commissioner of Police, and, in other cases, to the Magistrate of the district, from which the articles are to be despatched. In such cases the Commissioner of Police or the Magistrate of the district, as the case may be, should at once forward a copy of the license to the Railway authorities at

Home Department Notification: No. 2641, dated the 10th July, 1903.

Home Department Notification: No. 326, dated the 2nd February, 1900.

* The submission of copies of licenses has been discontinued, and half-yearly returns of arms, ammunition or military stores exported under this rule are now furnished to Foreign Department.

Foreign Department Circular No. 3762-I., dated the 6th November, 1885.
Home Department Circular No. 4035-38, dated the 8th June.

The Local Governments and Administrations have been requested to give in future returns full particulars as to the calibre of rifle and of rifle ammunition imported into Native States.

† NOTE.—Similar powers have been conferred on the Secretaries to the Governments of Bengal, the North-Western Provinces and Oudh and the Punjab, and the Chief Commissioner of the Central Provinces.

Foreign Department Resolution No. 2158-I., dated the 30th May, 1889.
Foreign Department Resolution No. 1465-I., dated the 19th May, 1893.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

the place of despatch. No Railway Company shall receive for despatch any box, package or bale containing arms, ammunition or military stores as defined in the Arms Act and the rules framed thereunder, unless covered and accompanied by the original license granted under these rules; and the railway authorities shall, in every instance, satisfy themselves that the goods tendered to them for transport correspond to the description given in such license, and that the license is identical with that forwarded to them by the Commissioner of Police or Magistrate of the district.

Import of arms, ammunition and military stores from Portuguese India.
Home Department Notifications:
No. 865, dated the 8th June, 1882.
No. 459, dated the 22nd March, 1895.

7-A. Nothing in Rules 5, 6, 6-C or 7 shall be deemed to authorize the grant of licenses—

(*a*) to import any arms, ammunition or military stores from Portuguese India.

Particulars required in applications for the grant of transport licenses.

8. Persons desirous of transporting, importing by land or river, or exporting arms, ammunition or military stores, must apply in writing to the nearest officer authorized to grant such licenses. The application must specify—

(*a*) the place to which the articles are to be transported, imported or exported, the route of transport, import or export, and the probable time that will be occupied in the journey;

(*b*) the quantity, description, average price and the purpose of each kind of arms or ammunition;

(*c*) in the case of transport or export, whether the applicant has obtained the consent of the Magistrate or Political Officer of the place of consignment (if so, the evidence of such consent must be produced);

(*d*) in the case of breech-loading rifles and balled rifle ammunition, whether the previous sanction of the Local Government (the Commissioner in Sind in the case of Sind) or other prescribed authority, as the case may be, has been obtained.

Home Department Notification:
No. 902, dated the 20th February, 1901.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Contents of packages to be written legibly.

9. Persons transporting, importing by land or river, or exporting arms, ammunition or military stores under a license, must write legibly on the cases or packages containing such articles an account of their contents.

Delivery of import, transport and export licenses to frontier Magistrates.

10. In the case of transport or import by land or river, the consignee must, within six days of the articles reaching their destination, deliver the transport or import license to the Magistrate of the district, or in the case of a Presidency-town or Rangoon, to the Commissioner of Police. In the case of articles crossing the frontier of British India by road or river (1) the export license must, within six days of the consignment reaching the district on the frontier, and before it leaves British territory, be delivered by the consignee or his agent, or, if the arms, ammunition or military stores are in charge of any person travelling with them, by that person, to the Magistrate of that district or other officer empowered by him on this behalf; (2) the import license must, within six days of the consignment entering British territory, be shown to the Magistrate of the district on the frontier of British India or other officer empowered by him on this behalf.

Home Department Notifications:
No. 326, dated the 2nd February, 1900.
No. 987, dated the 1st June, 1894.
No. 2641, dated the 10th July, 1903.

The officer to whom the transport, import or export license, as the case may be, may be delivered, must satisfy himself that the articles correspond with the entries in the license, and that any deficiency is properly accounted for.

Licenses to import or transport lead and saltpetre.

10-A. Licenses may be granted to persons without payment of any fee in all districts on the external land frontier of British India and in the sea-board districts of Burma, entitling the holder to import or transport lead in reasonable quantities, when the same is proved to the satisfaction of the officer granting the license to be required *bonâ fide* for manufacturing or industrial purposes, and to import and transport saltpetre in reasonable quantities when the same is proved to the satisfaction of the officer granting the license to be required *bonâ fide* for manufacturing, medicinal or industrial purposes.

Home Department Notifications:
No. 1882, dated the 29th November, 1882.
No. 1365, dated the 14th September, 1883.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Licenses for arms, ammunition or military stores imported into Indian ports and declared under manifests to be consignments without transhipment.
Home Department Notification:
No. 574, dated the 4th April, 1884.
Home Department Notification:
No. 2887, dated the 8th August, 1903.

10-B. In the case of arms, ammunition or military stores brought into the ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi and Aden, and declared to be consignments without transhipment for ports not covered by the exemptions granted under Home Department Notifications No. 1572 of the 29th August, 1879, and No. 75, dated 14th January, 1880, and in the case of Aden, No. 2886, dated the 7th August, 1903, a license in the Form V-A, covering the import and export of such consignments, shall be granted free of fee. Also, that a license in the Form V-B shall in like manner be granted free of fee in the aforesaid ports of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi and Aden, to cover the transhipment of arms, ammunition or military stores destined for other ports, provided that, if it is necessary to land any consignment in the course of transhipment, it shall be placed in bond, such fees being paid for storage and other expenses as the chief Customs authority may prescribe.

Home Department Notification:
No. 2887, dated the 8th August, 1903.

No license is, however, required for the transhipment of such arms, ammunition, and military stores, brought into the port of Aden, as may be consigned from any other British port to any port on the eastern sea-board of Africa, other than any port to which the shipment of arms is for the time being forbidden under an order signed by the Resident at Aden.

MANUFACTURE AND SALE.

Licenses to manufacture, convert, keep or sell arms, ammunition or military stores.
Home Department Notification:
No. 847, dated the 19th June, 1893.
Home Department Notification:
No. 326, dated the 2nd February, 1900.

11. Licenses to manufacture, convert, keep and sell arms or ammunition or military stores may be granted by Commissioners of Police in the Presidency-towns and in Rangoon, and by the Magistrate of the district outside those towns. They shall be in Forms VI and VII appended to these Rules. But licenses to manufacture, convert, keep or sell or keep for sale breech-loading rifles, rifle ammunition or military stores for rifles shall be granted only by the Local Government or, in the case of Sind, by the Commissioner in Sind, and shall be in

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form VI-B or VII-B so appended. The Local Government may under this rule grant licenses to selected dealers to hold a certain amount of ammunition for rifles of ·303 bore, or rifles of ·450 bore of the Martini-Henry pattern, on the condition that the license-holders shall not sell from this stock to any person who does not hold a license to possess any such ammunition, or a license to export ammunition, granted under the third proviso to the second paragraph of the Resolution of the Government of India, in the Foreign Department, No. 3001-I.A., dated the 27th June, 1903. The fee payable in stamps shall be twenty rupees in respect of licenses to manufacture, convert and sell, and ten rupees in respect of licenses to keep and sell arms, ammunition or military stores. Every license-holder under this rule shall keep, in such form as the Local Government may from time to time direct, registers of all arms, manufactured or converted, of all ammunition and military stores manufactured, of all stock in hand, and of all sales. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police officer not below the rank of Inspector. Magistrates and all Police officers not below the rank of Inspector are hereby empowered to enter and inspect any premises within their several jurisdictions in which arms or ammunition or sulphur are manufactured or kept, and to examine the stock and accounts of receipts and sales of arms, ammunition and military stores. Any person licensed to sell arms and ammunition shall affix, on a conspicuous part of his shop or usual place of business, a signboard, on which shall be printed in large letters in English, or in the Vernacular of the district, his name and the words "Licensed to manufacture," or "Licensed to deal in arms, ammunition and military stores," as the case may be. He shall also post up in his shop a copy of section 28 of the Indian Arms Act either in the Vernacular of the district or in English.

Home Department Notification No. 902, dated the 20th February, 1901.
Home Department Notification No. 3494, dated the 20th November, 1902.
Home Department Notification No. 3058, dated the 4th September, 1903.

POSSESSION OF ARMS, AND GOING ARMED.

Licenses to possess cannon.

12. License to possess cannon shall not be granted, save under the special order of the Governor General in Council, certified under the signature of the Secretary to the Government of India in the Home Department. A copy of such license, so certified, must be

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

sent immediately on its issue to the District Magistrate of the place where the cannon is to be kept.

Licenses to possess arms, ammunition for sport, protection or display.
Home Department Notification:
No. 6100, dated the 20th November, 1901.

13. Licenses to possess arms and ammunition in reasonable quantities, and to go armed for purposes of sport, of protection or of display, may be granted in Form VIII—

(i) by the Commissioner of Police in the Presidency-towns and in Rangoon; and

(ii) outside those towns, in Burma by the District Magistrate with the sanction of the Commissioner of the Division and in other Provinces by the District Magistrate.

Such licenses shall be liable in Burma to a fee of four annas for each weapon, and in other Provinces to a fee of eight annas for each weapon in disarmed districts, and to a fee of four annas for each weapon in districts which have not been disarmed. Such a license will authorize the holder to carry the arms described in the license on occasions when they may be reasonably required for the purposes named in the license. But the holder, unless specially authorized by the Magistrate or in Burma by the Commissioner or Magistrate, must not go armed in railway carriages, to fairs, religious processions or other public assemblies. Licenses granted under this rule in Provinces other than Burma shall, on countersignature by the Commissioner of the division or other officer authorized in this regard by the Local Government where there are no Commissioners, be valid for such districts of the Local Government within the territories of which the license may have been granted, as may be specified by the countersigning officer:

Provided that in the case of breech-loading rifles and balled rifle ammunition the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta and in Rangoon where the Commissioner of Police will continue to grant such license) be granted without the previous sanction of the Board of Revenue in Madras, or the Chief Commissioner in Assam and in Coorg and of the Commissioner of a Division in other Provinces:

Provided also that in Burma licenses granted under this rule shall, if countersigned by a Commissioner, be valid for such districts of his

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

division, and if countersigned by a Secretary to the Government of Burma be valid for such divisions or districts as may be specified by the countersigning officer.

13-A. Licenses to possess and carry arms in places to which section 15 of the Indian Arms Act, 1878, applies may be granted by the District Magistrate, and in a Presidency-town by the Commissioner of Police, on plain paper and without fee, to the heirs of persons to whom arms have been presented by or under the orders of Government, in respect of any such arms which they may inherit. Such licenses shall be granted in Form VIII prescribed by Rule 13.

Licenses to possess and carry arms in places where section 15 of the Act applies.
Home Department Notifications:
No. 620, dated the 17th April, 1884.
No. 459, dated the 22nd March, 1895.

Provided that in the case of breech-loading rifles the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta where the Commissioner of Police will continue to grant such licenses) be granted without the previous sanction of the Board of Revenue in Madras, of the Chief Commissioner in Assam and in Coorg and of the Commissioner of a Division in other Provinces.

Home Department Notification:
No. 902, dated the 20th February, 1901.
Home Department Notification:
No. 5205, dated the 13th September, 1901.

13-B. Licenses for the possession of reasonable quantities of balled ammunition which can be fired from rifles of the ·303 bore or rifles of ·450 bore of the Martini-Henry pattern, shall be granted by the Commissioner of Police in the Presidency-towns and in Rangoon, and by the Magistrate of the district outside those towns, in Form VII prescribed by Rule 13. Such licenses shall be granted on application to any person lawfully in possession for sporting purposes of a rifle of the ·303 bore or a rifle of the ·450 bore of the Martini-Henry pattern, and shall state the amount of such balled ammunition which he may possess in the following twelve months. Duly licensed dealers shall be allowed to import their balled ammunition up to the quantity stated in their licenses. Upon every license produced in support of an application for leave to import, the quantity of ammunition to import which leave

Licenses to possess balled ammunition for rifles of prohibited bores.
Home Department Notification:
No. 902, dated the 20th February, 1901.
Home Department Notifications:
No. 3494, dated the 20th November, 1902.
No. 1452, dated the 27th March, 1903.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

was given, and the date of giving it, shall be endorsed by the authority by whom leave is granted.

Licenses to possess arms and ammunition and to go armed in Burma.
Home Department Notification:
No. 6100, dated the 20th November, 1901.

13-C. In Burma licenses to possess arms and ammunition, and to go armed, may be granted, on payment of a fee of four annas for each license, in the following forms and cases by the District Magistrate for arms and ammunition other than breech-loading rifles and balled rifle ammunition:—

(i) In Form XIII and subject to the conditions endorsed thereon, to persons living in fenced or stockaded villages:

(ii) In special cases, with the previous sanction of the Commissioner of the Division, in Form XIV and subject to the conditions endorsed thereon, to circle thugyis and village headmen who require arms for their protection but are not able to fulfil the conditions of licenses in Form XIII:

(iii) In Form XV and subject to the conditions endorsed thereon to persons employed in forests who require arms or their protection but are not eligible for licenses in Form XIII:

(iv) In Form XVI and subject to the conditions endorsed thereon, in the following districts only, or in such portions on those districts as the Government of Burma may from time to time direct:—

Lower Burma.

The Tavoy, Mergui and Salween Districts and the Hill Tracts of Northern Arakan.

Upper Burma.

The Bhamo, Ruby Mines and Upper Chindwin Districts.

Licenses to go armed on a journey.
Home Department Notification:
No. 6100, dated the 20th November, 1901.

14. Any Commissioner of Police or Magistrate of the district may grant a license in Form IX for a journey in or through Provinces other than Burma, specifying the direction of the journey and the period it will occupy. Such license will be valid in other jurisdictions only for such journey and for such period, and will be liable

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

to a fee of four annas for each weapon. Political Agents may grant licenses under this rule to natives of the States where they may be serving, and such licenses granted for journeys by Political Agents shall be liable to no fee. Holders of licenses under this rule, unless specially authorized by the officer granting the licenses, must not go armed in railway carriages, to fairs, religious processions or other public assemblages.

When a Commissioner of Police or Magistrate of a district receives an application for a license in Form IX from a person who is not resident within his jurisdiction, or is not personally known to him, he shall, before granting the license, ascertain from the Commissioner of Police of the Presidency-town, or the Magistrate of the district, or the Political Officer for the foreign territory, in which the applicant resides, whether there is any objection to the grant of the license, unless for reasons to be recorded, he considers this precaution to be clearly unnecessary.

Home Department Notification (?):
No. 1264, dated the 29th August, 1895.

Provided that in the case of breech-loading rifles and balled rifle ammunition the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta where the Commissioner of Police will continue to grant such licenses) be granted without the previous sanction of the Board of Revenue in Madras, of the Chief Commissioner in Assam and in Coorg, and of the Commissioner of a Division in other Provinces.

Home Department Notifications:
No. 902, dated the 20th February, 1901.
No. 6100, dated the 20th November, 1901.

Home Department Notification:
No. 5205, dated the 13th September, 1901.

15. Except in Burma licenses to *possess* fire-arms or ammunition or military stores in districts which have not been disarmed may be granted in Form X without fee and shall be valid for five years. Such licenses will not authorize the holders to go armed or to carry arms. In districts which have not been disarmed, as well as in disarmed districts, licenses to possess and carry arms (Form VIII) will be liable to fees as stated in Rule 13.

Licenses to possess fire-arms, ammunition or military stores in districts which have not been disarmed.

Home Department Notifications:
No. 1168, dated the 5th June, 1899.
No. 6100, dated the 20th November, 1901.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Provided that in the case of breech-loading rifles and balled rifle ammunition the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta where the Commissioner of Police will continue to grant such licenses) be granted without the previous sanction of the Board of Revenue in Madras, of the Chief Commissioner in Assam and in Coorg, and of the Commissioner of a Division in other Provinces.

Home Department Notification:
No. 902, dated the 20th February, 1901.

Home Department Notification:
No. 5205, dated the 13th September, 1901.

15-A. Licenses to possess military stores, other than lead, may be granted in Rangoon by the Commissioner of Police, and in any other district in Burma by the District Magistrate in Form X.

Licenses to possess military stores in Rangoon.
Home Department Notification:
No. 6100, dated the 20th November, 1901.

Licenses to possess lead in reasonable quantities proved, to the satisfaction of the Commissioner of Police or the District Magistrate according as they are to be issued in Rangoon or in any other district in Burma, to be *bonâ fide* required for manufacturing or industrial purposes, other than the manufacture of ammunition, may be granted in Rangoon by the Commissioner of Police, and in any other district in Burma by the District Magistrate, in Form X.

Licenses under this rule shall be granted subject to the conditions endorsed on Form X, and shall be granted without payment of any fee.

16. Except in Burma licenses for possession of arms and ammunition may be granted in Form XI, without fee, and for a term of five years, to persons who require arms for the destruction of wild animals which do injury to human beings, cattle or crops. Such licenses will be valid only in, or on the immediate confines of, the district for which it is granted. it will be subject to the conditions that the license and the weapon it covers is shown once a year, between the 15th November and the 31st December, to the nearest Magistrate; that the weapon becomes confiscated to Government directly it is sold or seized in execution of any debt, and that such weapon is carried only on occasions when it is to be used *bonâ fide* for the destruction of wild animals. Holders of

Licenses to possess arms and ammunition for the destruction of wild animals.
Home Department Notification:
No. 6100, dated the 20th November, 1901.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

licenses under this rule must not go armed in railway carriages, to fairs, religious processions or other public assemblages.

Provided that in the case of breech-loading rifles and balled rifle ammunition the license shall not (except in the Presidency-towns of Madras, Bombay and Calcutta, where the Commissioner of Police will continue to grant such licenses) be granted without the previous sanction of the Board of Revenue in Madras, of the Chief Commissioner in Assam and in Coorg, and of the Commissioner of a Division in other Provinces.

Home Department Notification: No. 902, dated 20th February, 1901.

Home Department Notification: No. 5205, dated the 13th September, 1901.

16-A. Licenses may be granted to cultivators, contractors and other persons, without payment of any fee entitling the holders to possess and transport gunpowder and fuses, and to transport dynamite, blasting gelatine and detonating caps, in reasonable quantities when the same are proved to the satisfaction of the officer granting the licenses to be required *bonâ fide* for blasting purposes. Such licenses shall be granted in Form No. XII appended to these Rules.

Licenses to possess and transport gunpowder, fuses, dynamite, blasting gelatine and detonating caps for blasting purposes.

Home Department Notification: No. 3494, dated the 20th November, 1902.

16-B. In the Presidencies of Madras and Bombay and in the Lower Provinces of Bengal general licenses may be granted to dealers to transport dynamite, blasting gelatine, detonating caps and other explosive material required *bonâ fide* for blasting purposes. Such licenses, for which no fees will be charged, shall be available for one year and shall be in Form XII-A appended to these Rules. At the Presidency-towns they will be granted by the Commissioner of Police and elsewhere by the District Magistrate. Every such license shall authorize the licensee to deliver consignments of such explosive material to the consignee, subject to the following conditions, namely :—

Licenses to transport dynamite, blasting gelatine, detonating caps and other explosives for blasting purposes in Madras, Bombay and Bengal.

(*i*) that the licensee and the consignee have taken out licenses for the possession of explosives under the Indian Explosives Act, 1884 (IV of 1884);

(*ii*) that the rules to regulate the manner of transport of explosives, published with the Notification of the Government

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

of India in the Home Department, No. 5528, dated the 11th October, 1901, are duly observed;

(*iii*) that within twenty-four hours of the despatch of each consignment full information regarding the nature, quantity and destination thereof is furnished by the licensee to the authority granting the license, and also to the Magistrate of the district to which the explosives are consigned;

(*iv*) that the licensee shall, with each consignment of explosive material conveyed by cart under cover of his license, issue a pass in the form appended to Form XII-A specifying the places from and to which the explosive material is to be conveyed, and the quantity of the explosive material covered by his license;

(*v*) that, where a consignment of explosive material is transported by cart, the person in charge of the cart shall not smoke, nor permit smoking, on or dangerously near the same.

Where a consignment of explosive material covered by a license in Form XII-A is transported by cart, any person who, being in charge of the cart, either smokes or permits smoking on or dangerously near the same, shall be punishable with fine which may extend to fifty rupees.

Licenses to import, possess or transport sulphur for medicinal, manufacturing or agricultural purposes.
Home Department Notifications:
No. 1617, dated the 7th October, 1881.
No. 1194, dated the 7th August, 1882.
No. 1940, dated the 11th December, 1882.

16-C. Licenses for the importation, possession or transport of sulphur proved to the satisfaction of the Local Government or Administration concerned to be intended only for *bonâ fide* medicinal, manufacturing or agricultural purposes may be granted without payment of any fee. This concession does not extend to sulphur intended for the manufacture of gunpowder or of ammunition generally, as defined in section 4 of the Indian Arms Act, 1878 (Act XI of 1878).

Licenses for Ajmer-Merwara.
Home Department Notification:
No. 1814, dated the 1st October, 1879.

16-D. The Governor General in Council is pleased to declare that, so far as the district of Ajmer-Merwara is concerned, the licenses referred to in Rules 1, 5 and 12 shall in future be granted under the signature of the Secretary to the Government of India in the Foreign Department.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

GENERAL.

17. The fees leviable under these rules shall be taken in the shape of "impressed stamps." Ordinarily the applications for licenses or renewals of licenses shall be written on "impressed stamps" of value equal to the amount of fee leviable in respect of such licenses or renewals, and the licenses will be issued on plain paper. But when the licenses themselves are written or printed on "impressed stamps," the applications may be on plain paper. When an application for a license is written on an "impressed stamp," and the license is refused, the value of stamp will be refunded to the applicant.

Payment of fees.
Home Department Notification:
No. 1258, dated the 11th July, 1879.

18. Applications for license, in respect of which no fee is leviable, or regarding licenses on which the full fee has been paid, shall be considered to be applicable within the meaning of Schedule II, Article I, clause (*a*), of the [1]Court-Fees Act, 1870 (VII of 1870), and shall bear a Court-fee stamp of one anna.

Applications for licenses.
Home Department Notification:
No. 1258, dated the 11th July, 1879.

19. All licenses under Rules 11 and 13 shall expire on the 31st December of the year for which they may be issued; licenses under Rule 16 shall expire on the 31st December of the fifth year of their currency. But the currency of a license may be renewed, previous to its expiration, on payment of a second fee by the same authority that granted it.

Licenses under Rules 11 and 13 valid up to 31st December.
Home Department Notification:
No. 484, dated the 30th March, 1897.

In Burma licenses to possess and carry arms and sell arms, ammunition or military stores shall expire on the 31st March.

Licenses in Burma expire on 31st March.
Home Department Notification:
No. 828, dated the 15th June 1893.

19-A. When a license granted in accordance with these rules is lost or accidentally destroyed, a duplicate may be granted to the licensee on payment of the same fee as he paid on the original license if not in excess of one rupee; and, in any other case, on payment of a fee of one rupee. Cultivators or other persons to whom licenses may have been granted without payment of any fee may obtain duplicates of such licenses if lost or destroyed, free of all fee.

Grant of duplicate licenses.
Home Department Notification:
No. 1435, dated the 15th September, 1882.

[1] General Acts, Vol. II, Edn. 1898, p. 124.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

In Burma licenses under Rule 13 current for a period not exceeding five years. Home Department Notification: No. 1733, dated the 16th October, 1884.

19-B. In Lower Burma licenses under Rule 13 may be current for such period, not exceeding five years, as the Deputy Commissioner shall in each case decide, provided that no such license shall be current for less than one year.

Licenses subject to the conditions endorsed thereon and to the rules under the Act.

20. All licenses shall be given and held subject to the conditions endorsed on the reverse, and subject to these rules and subject to the provisions of the Act. Licenses under Rules 13 and 16 may be granted, subject to the observance of a close season, in the pursuit of game-birds or animals that do not injure either men or cattle or crops. The limits of the close season will be decided by the Local Government, and the condition regarding such close season, if imposed, shall be endorsed on the reverse of the license.

Production of licenses to competent authority.

21. Any person holding a license, or acting under a license, granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate or by any Police officer in charge of a Police station, or by any Police officer of higher rank.

Licenses to be written or printed in local languages.

22. Licenses granted for use within a district shall be written or printed in the vernacular language of such district. Licenses granted in a Presidency-town or for use beyond the districts where they may be granted, shall be in English, and may be in the vernacular as well.

The Resident at Aden to be a Magistrate for the purposes of these rules.

23. The Assistant Resident at Aden shall exercise the powers of a Magistrate in respect of the grant of licenses under these rules.

Licenses to cover the weapons and other articles named therein.

24. A license granted under these rules will cover only the weapons or other articles and the persons named therein, unless the officer granting a license under Rule 13 or 14 deems it expedient to include the retainers of any person named in the license; in such case the entry on the face of the license shall declare how many and whose retainers are covered by the license.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Refusal to grant or renew licenses.

25. Any officer empowered to grant a license under these rules may, at his discretion, refuse to grant, to renew or to consent to the issue of a license, or may refer any application for the orders of the Local Government.

Magistrates to perform their duties under these rules subject to the control of their executive superiors.

26. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superiors and of the Local Government.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI—1.

FORM I.

License to Import or Transport, or Possess Cannon, Articles designed for Torpedo Service, War-rockets or Machinery for the Manufacture of Arms or Ammunition.

Name, etc., of license-holder and agent, if any, with residence, etc.	Number of packages.	Specification of calibre, etc., of cannon or other articles.	Number of articles.	Place of despatch and route.	Destination.	Name and residence of consignee.	Time for which pass is valid.	Use to which articles are to be put, and specification whether the license covers importation or transport or possession.
							From the——— to the——— ———19 .	

——— ——— ———19 . Date on which copy is sent to the District Magistrate of the district or to the Political Officers of the State to which the articles are consigned.

Secy. to the Govt. of India,

Home Department.

The ———*19* .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is subject to all the provisions of "[1]The Indian Arms Act, 1878," and of the rules framed thereunder.

This license will be void after the expiration of the period named or if bulk is broken before reaching the place of destination.

The articles covered by this license will be delivered only to persons lawfully entitled to possess them.

This license must be delivered to the Magistrate of the district to which the articles are consigned, and the articles must be available for exhibition to such Magistrate within six days of the consignment reaching his district.

Home Department Notification No. 2641, dated the 10th July, 1903.

[1] General Acts, Vol. III, Edn. 8, p. 243.

NATIONAL ARCHIVES OF INDIA

RULE VI—2.

FORM II.

FEE TEN RUPEES IN STAMPS.

License to Transport Arms, Ammunition or Military Stores in British India.

Name, etc., of license-holder, and agent, if any, authorized for the purpose of this consignment.	Place of license-holder's business.	Number of packages.	ARMS.		AMMUNITION.		Place of despatch, route and mode of transit.	Time for which pass is valid.	Destination.	Name and Residence of consignee.
			Description.	Number.	Description.	Number or weight in seers.				
								From the to the		

Date on which consent was given by the _____

_____ of the _____

_____ where _____ of the _____

is the place of consignment. _____ or

The _____ 19 . place of despatch

Seal.

The _____ 190 .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is subject to all the provisions of "[1]The Indian Arms Act, 1878," and of the rules framed thereunder.

This license is void after the expiration of the period named, or if bulk is broken before reaching the place of destination, or if the articles are taken by any route other than is specified on the license.

The contents of each package covered by this license must be described in legible letters on the outside of such package.

The articles covered by this license will be delivered only to persons lawfully entitled to possess the same.

This license must be delivered to the Magistrate of the district to which the articles are consigned, and the articles must be available for exhibition to such Magistrate within six days of the consignment reaching his district.

The officer granting this license must send a copy thereof on the day of issue to the Magistrate of the district as above described.

When the license is granted for transport within the limits of the same district, the license must be given up to the local Magistrate (if any) having jurisdiction in the place to which the articles are consigned, who will satisfy himself that the conditions have been complied with, and return the license to the District Magistrate. The District Magistrate will send copies of any license granted by him for transport within the district to the local Magistrate having jurisdiction. Where there is no local Magistrate, the license must be returned to the Magistrate of the district.

Home Department Notification No. 1527, dated the 16th September, 1884.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI—6, 6-A, 6-B.

FORM III.

License to Import Arms, Ammunition or Military Stores into the Port of _____

FEE TEN RUPEES IN STAMPS.

Name, etc., and address of licensee-holder.	Number of packages.	ARMS.		AMMUNITION AND SULPHUR.		Purpose for which required.	Value of the cheapest firearms per piece.	Place where articles are to be deposited or to which they are to be despatched.	Period for which the license is valid.
		Description.	Number.	Description.	Weight in seers or number.				
									From the _____th of _____ to the _____th of _____ 19 .

The _____ of _____ 19 .

Seal.

(Signature.)

_____

A 32

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is given subject to the provisions of [1] "The Indian Arms Act, 1878," and the rules framed thereunder. XI of 1878.

This license becomes void after expiry of the period named thereon.

This license is valid for importation only; if the articles named herein are to be transported to any place outside the Presidency-town, they must be protected by another pass for transport or export by land.

The contents of each package covered by this license shall be described in legible letters on the outside of such package.

The arms, ammunition or military stores covered by this license shall either be deposited in a warehouse appointed under section 15 of the [2] Sea Customs Act, 1878, or in a warehouse licensed under section 16 of the same Act, and sanctioned in this regard under section 7 of the [1] Indian Arms Act, 1878, or shall be at once despatched to their destination under a separate license to transport. VIII of 1878.

Home Department Notification No. 1427, dated 28th August, 1894.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

[2] General Acts, Vol. III, Edn. 1898, p. 168.

NATIONAL ARCHIVES OF INDIA

RULE VI—6-C.

FORM III-A.

FEE FIVE RUPEES IN STAMPS.

License to Import Arms, Ammunition or Military Stores by River or Land.

Name and residence of license-holder and agent, if any.	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch and route.	Purpose for which consignment is required.	Destination.	Name and residence of consignee.	Period for which the license is valid.
		Description.	Number.	Description.	Weight or number.					From ——— of ——— 19 to the ——— of ——— 19

(Signature.)

Magistrate of ——— *District,*

or

Commissioner of Police, ———

The ——— 19 .

Seal.

(Home Department Notification No. 865, dated the 8th June, 1882.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is valid only for the period and the route named herein.

It becomes invalid if bulk is broken, or the consignment is stopped at any place on the journey.

It is given subject to the provisions of [1]"The Indian Arms Act, 1878," and of the rules framed thereunder. XI of 1878.

The contents of each package covered by this license shall be described in legible characters on the outside of such package.

This license must be delivered to the District Magistrate or the Commissioner of Police when the articles covered by it reach their destination. In the case of consignments crossing the frontier by road or river, the articles must, within six days of their reaching British territory, be available for exhibition to the frontier Magistrate, or other officer whom he may empower in this behalf. In case of consignments crossing the frontier by rail, this license must be shown to the railway authorities of the station of delivery.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

FORM IV.

RULE VI—6 AND 6-A.

FEE TEN RUPEES IN STAMPS.

License to Export Arms, Ammunition or Military Stores by Sea from the Port of _____

Name, etc., and address of license-holder.	Number of packages.	Arms.		Ammunition and Sulphur.		Port to which consignment is to be despatched.	Period for which license is valid.
		Description.	Number.	Description.	Weight in seers.		
							From the _____ th _____ to the _____ th of _____ 19 .

Date on which copy of the license was despatched by the licensing officer to the Indian Port (if any) to which the consignment is to be despatched.

(Signature)

_____ of _____

The _____ *190* . (Seal.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is not valid for export to any Indian port other than that named on the license.

NATIONAL ARCHIVES OF INDIA

FORM V. RULE VI—6-D.

FEE FIVE RUPEES IN STAMPS.

License to Export Arms, Ammunition or Military Stores under Rule 7 of the Rules made under Section 17 of the Indian Arms Act, 1878.

Name, etc., of license-holder and agent, if any.	Number of packages.	Arms.		Ammunition or Military Stores.		Place of despatch and route.	Purpose for which consignment is required.	Destination.	Name and residence of consignee.	Period for which license is valid.
		Description.	Number.	Description.	Weight or number.					
										From the _____ of _____ 19 to the _____ of _____ 19 .

The _____ 19 .

Secy. to the Govt. of India, Foreign Department.

(Foreign Department Notification No. 162-I.J., dated the 25th June, 1879.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Home Department Notification No. 1893, dated the 25th November, 1881.

It is valid only for the period and the route named therein.

It becomes invalid if bulk is broken, or the consignment stopped at any place on the journey.

It is given subject to the provisions of [1]"The Indian Arms Act, 1878," and of the rules framed thereunder. XI of 1878.

The contents of each package covered by this license shall be described in legible characters on the outside of such package.

The license must be delivered to the Railway authorities or to the Frontier District Magistrate, or other officer empowered by him to receive export licenses on his behalf, as provided in Rules 7 and 10. In the case of consignments crossing the frontier by road or river, the articles must be made available for exhibition to the frontier Magistrate or other principal officer within six days of their reaching the frontier district, and before they leave British territory.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

RULE VI—10-B.

FORM V-A.

FREE OF ALL FEE.

License to Import and Export without transhipment Arms, Ammunition or Military Stores in he Port of _____.

Name of Master of vessel or Agent in whose favour license is granted.	Name of vessel.	Number of packages.	ARMS.		AMMUNITION.		Destination.	Name and residence of consignee.	REMARKS.
			Description.	Number.	Description.	Number or weight.			

(Signature.)

Seal.

Magistrate of the _____ *District,*

or

Commissioner of Police, _____

The _____ *19* .

(Home Department Notification No. 574, dated the 4th April, 1884.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is given subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder. XI of 1878.

The contents of each package covered by this license must be described in legible letters on the outside of such package.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

RULE VI—10-B.

FORM V-B.

FREE OF ALL FEE.

*License to tranship (with permission to land in bond) Arms, Ammunition or Military Stores in the Port of*_____.

Name of Master of Vessel or Agent in whose favour license is granted.	Name of vessel (1) from which and (2) to which transhipped.	Number of packages.	ARMS.		AMMUNITION.		Whether to be landed in bond or not.	Destination.	Name and residence of consignee.	REMARKS.
			Description.	Number.	Description.	Number or weight.				

(Signature.)

Seal.

*Magistrate of the*_____*District,*

or

*Commissioner of Police,*_____

*The*_____*19* .

(Home Department Notification No. 574, dated 4th April, 1884.)

NOTE.—If the application for the license is accompanied by a certificate from the Preventive Officer that the arms or ammunition are part of passenger's personal luggage, whether accompanying the passenger or not, or that there is no ground for suspecting that they are intended for purposes other than personal use by persons lawfully entitled to possess them, it will be sufficient to fill in these columns so far as may be possible from such information as is afforded by the statement of the agent or other person applying for the license, and any bill of lading, invoice or manifest relating to the consignment.

(Home Department Notification No. 3597, dated 28th November, 1902.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is given subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder. XI of 1878.

The contents of each package covered by this license must be described in legible letters on the outside of such package.

The license will be void if, on being landed, the articles covered by it are not placed in bond.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI—11.

FORM VI.

FEE TWENTY RUPEES IN STAMPS.

License to Manufacture; Convert or Sell, or to keep for Sale, Arms, Ammunition or Military Stores.

Serial number of license.	Name and residence of license-holder.	Place of business, factory, or shop.	Description of Arms		Description of Ammunition or Military Stores		Date on which license expires.
			to be manufactured or converted.	to be sold or kept for sale.	to be manufactured.	to be sold or kept for sale.	
							The 31st of ber 190 .

(Signature.)

_____ District,

The _____ *190* .

Seal.

_____ *of* _____

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Commissioner of Police or Magistrate.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

XI of 1878. 1. This license is given subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

2. He shall keep registers of all arms manufactured or converted of all ammunition and military stores manufactured, of all stock in hand, and of all sales, in such forms as the Local Government may direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest police station.

N.B.—This condition may be omitted at the discretion of the Local Government.

5. He shall affix on a conspicuous part of his shop, or usual place of business, a signboard, on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "Licensed to manufacture (or "Licensed to deal in) arms, ammunition, and military stores," as the case may be. He shall also post up in his shop a copy of section 28 of the Act either in the Vernacular of the district or in English.

6. He shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VIII or IX—(1) the name and address of the person who takes delivery of the articles sold, (2) the nature and amount of the articles sold, (3) the date of sale, and shall sign the endorsement.

7. This license only covers sales of arms, ammunition, or military stores effected upon the premises shown on the face of the license.

8. The licensee shall not sell arms to a soldier of the Native Army, unless he produces a written pass or permit signed by the Commanding Officer, and then only to the extent and on the conditions specified in such pass.

9. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9a. The license-holder shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person requiring such arms or ammunition is

Home Department Notification No. 960, dated the 19th June, 1895.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Home Department Notifications No. 6314, dated the 13th December, 1901, and No. 2000, dated the 14th May, 1903.

for the time being residing. But this prohibition does not apply to Government officials exempted from the operation of sections 13-16 of the Arms Act by Notification under section 27 of the Act, or to persons whose names are included in a list compiled by the District Magistrate and who declared that they purchase for their own use.

This condition applies only to Burma.

10. This license does not authorize the licensee to possess Government arms or ammunition or, unless he is specially authorized in that behalf by the Local Governments, to possess or sell revolvers manufactured out of India or magazine pistols.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

11. When such licenses are granted in and for the local areas noted on the margin, the licensee shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person desirous of obtaining the arms or ammunition is for the time being resident, unless such person—

The districts of—
(1) Peshawar
(2) Kohat
(3) Bannu
(4) Dera Ismail Khan
(5) Dera Ghazi Khan.
} except the Cis-Indus tahsils.

(*a*) is exempted, by virtue of any of the clauses (1) to (8) or of clause (9), sub-head (*d*), of paragraph 1 of the Notification of the Government of India in the Home Department, No. 518, dated the 6th March, 1879, as subsequently amended, from certain prohibitions and directions contained in sections 13 to 16 of the [1]Indian Arms Act, 1878 (XI of 1878), or

(*b*) is included in a list compiled by the District Magistrate for this purpose and declares that he purchases for his own use.

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert, or sell, or keep, offer or expose for sale, any arms, ammunition, or military stores, except

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms and ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 27 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer in charge of the nearest police station, notice of the sale and of the purchaser's name and address.

16. Any person possessing arms, ammunition, or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license * * * * * * * * become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station.

If the owner of anything deposited under this section does no within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited to Her Majesty.

19. Whoever commits any of the following offences (namely) :—

(*a*) manufactures, converts, or sells, or keeps, offers, or exposes for sale, any arms, ammunition, or military stores in contravention of the provisions of section 5 ;

(*b*) fails to give notice as required by the same section ;

* * * * * *

(*g*) intentionally makes any false entry in a record or account which, by a rule * * he is required to keep ;

(*h*) intentionally fails to exhibit anything which, by a rule, * * * * he is required to exhibit ; or

(*i*) fails to deposit arms, ammunition, or military stores, as required by * * section 16 ;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. Whoever does any act mentioned in clause (*a*) * * of section 19, in such manner as to indicate an intention that

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

such act may not be known to any public servant as defined in the [1]Indian Penal Code, or to any person employed upon a railway, or to the servant of any public carrier, XLV of 1860.

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition, or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition, or military stores from any person not licensed or authorized under the proviso to section 5 to sell the same, or

delivers any arms or ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition, or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition, or military stores, and any vessel cart or baggage animal used to convey the same, and any box, package, or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

(Home Department Notification No. 846, dated the 19th June, 1893.)

[1] *See* now the revised Edn. as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

RULE VI—II.

BREECH-LOADING RIFLES, RIFLE AMMUNITION, OR MILITARY STORES FOR RIFLES.

FORM VI—B.

FEE TWENTY RUPEES IN STAMPS.

License to Manufacture, Convert or Sell, or to keep for Sale, Arms, Ammunition or Military Stores.

Serial number of license.	Name and residence of license-holder.	Place of business, factory or shop.	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION OR MILITARY STORES		Date on which license expires.
			to be manufactured or converted.	to be sold or kept for sale.	to be manufactured.	to be sold or kept for sale.	
							The 31st December, 190 .

(Signature.)

———————DISTRICT :

The ———————*190* .

Seal.

Secretary to the———————

A A 33

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	* Secretary to the Local Government, Commissioner (in Sind).

* Home Department Notification No. 5205, dated the 13th September, 1901

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

XI of 1878. 1. This license is given subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

2. He shall keep registers of all arms and ammunition in stock and of all sales, in such form as the Local Government may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest police station.

N.B.—This condition may be omitted at the discretion of the Local Government.

5. He shall affix on a conspicuous part of his shop, or usual place of business, a signboard, on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "Licensed to deal in arms, ammunition and military stores." He shall also post up in his shop a copy of section 28 of the Act either in the Vernacular of the district, or in English.

6. He shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VIII or IX—(1) the name and address of the person who takes delivery of the articles sold, (2) the nature and amount of the articles sold, (3) the date of sale, and shall sign the endorsement.

7. This license only covers sales of arms, ammunition or military stores effected upon the premises shown on the face of the license.

8. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9. This license does not authorize the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

10. When such licenses are granted in and for the local areas noted on the margin,* the licensees shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person desirous of obtaining the arms or ammunition is for the time being resident, unless such person—

* The districts of—
(1) Peshawar.
(2) Kohat.
(3) Bannu.
(4) Dera Ismail Khan. } except the Cis-Indus tahsils.
(5) Dera Ghazi Khan.
Home Department Notification No. 4531, dated the 26th July, 1901.

(*a*) is exempted, by virtue of any of the clauses (1) to (8) or of clause (9), sub-head (*d*) of paragraph 1 of the Notification of the Government of India in the Home Department, No. 518, dated the 6th March, 1879, as subsequently amended, from certain prohibitions and directions contained in sections 13 to 16 of the Indian Arms Act, 1878 (XI of 1878), or

(*b*) is included in a list compiled by the District Magistrate for this purpose and declares that he purchases for his own use.

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 27 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer in charge of the nearest police station, notice of the sale and of the purchaser's name and address.

16. Any person possessing arms, ammunition or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license * * * * *, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

If the owner of any thing deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited to Her Majesty.

19. Whoever commits any of the following offences (namely) :—

(*a*) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 5 ;

(*b*) fails to give notice as required by the same section ;

* * * * * *

(*g*) intentionally makes any false entry in a record or account which, by a rule, * * he is required to keep ;

(*h*) intentionally fails to exhibit anything which, by a rule, * * * he is required to exhibit ; or

(*i*) fails to deposit arms, ammunition or military stores, as required by * * section 16 ;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. Whoever does any act mentioned in clause (*a*) * * * of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the [1]Indian Penal Code, or to any person employed upon a railway, or to the servant of any public carrier,

XLV of 1860.

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 5 to sell the same, or

[1] *See* now the revised Edn. as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

delivers any arms or ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores and any vessel, cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

(Home Department Notification No. 902, dated the 20th February, 1901.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI—11.

FORM VII.

FEE TEN RUPEES IN STAMPS.

License to keep and sell Arms, Ammunition or Military Stores.

Serial number of license.	Name and residence of license-holder.	Place of business.	Description of		Date on which license expires.
			Arms.	Ammunition or military stores.	
					The 31st of December, 190 .

(Signature.)

_____ DISTRICT :

The _____ *190* .

Seal.

_____ *of* _____

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Commissioner of Police or Magistrate.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

XI of 1878. 1. This license is given subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

2. He shall keep registers of all arms and ammunition in stock and of all sales, in such form as the Local Government may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest police station.

N. B.—This condition may be omitted at the discretion of the Local Government.

5. He shall affix on a conspicuous part of his shop, or usual place of business, a signboard, on which shall be painted in large letters in English or in the Vernacular of the district his name and the words "Licensed to deal in arms, ammunition and military stores." He shall also post up in his shop a copy of section 28 of the Act either in the Vernacular of the district or in English.

6. He shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VIII or IX—(1) the name and address of the person who takes delivery of the articles sold, (2) the nature and amount of the articles sold, (3) the date of sale, and shall sign the endorsement.

7. This license only covers sales of arms, ammunition, or military stores effected upon the premises shown on the face of the license.

8. The licensee shall not sell arms to a soldier of the Native Army, unless he produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass.

9. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9*a*. The license-holder shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person requiring such arms or ammunition is for the time being residing. But this prohibition does not apply to

Home Department Notification No. 960, dated the 19th June, 1895.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Government officials exempted from the operation of sections 13 to 16 of the Arms Act by Notification under section 27 of the Act, or to persons whose names are included in a list compiled by the District Magistrate and who declare that they purchase for their own use.

This condition applies only to Burma.

10. This license does not authorize the licensee to possess Government arms or ammunition or, unless he is specially authorized in that behalf by the Local Governments, to possess or sell revolvers manufactured out of India or magazine pistols.

Home Department Notifications No. 6314, dated the 13th December, 1901, and No. 2000, dated the 14th May, 1903.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

Home Department Notification No. 4532, dated 26th July, 1901.

"11. When such licenses are granted in and for the local areas noted on the margin,* the licensee shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person desirous of obtaining the arms or ammunition is for the time being resident, unless such person—

* The districts of—
(1) Peshawar.
(2) Kohat.
(3) Bannu } except
(4) Dera Ismail Khan } the Cis-Indus tahsils.
(5) Dera Ghazi Khan.

(*a*) is exempted, by virtue of any of the clauses (1) to (8) or of clause (9), sub-head (*d*), of paragraph 1 of the Notification of the Government of India in the Home Department, No. 518, dated the 6th March, 1879, as subsequently amended, from certain prohibitions and directions contained in sections 13 to 16 of the Indian Arms Act, 1878 (XI of 1878), or

(*b*) is included in a list compiled by the District Magistrate for this purpose and declares that he purchases for his own use."

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert, or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 27 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer in charge of the nearest police station, notice of the sale and of the purchaser's name and address.

16. Any person possessing arms, ammunition, or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license * * * * become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station.

If the owner of anything deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited to Her Majesty.

19. Whoever commits any of the following offences (namely):—

(*a*) manufactures, converts, or sells, or keeps, offers, or exposes for sale, any arms, ammunition, or military stores in contravention of the provisions of section 5;

(*b*) fails to give notice as required by the same section;

* * * * * * *

(*g*) intentionally makes any false entry in a record or account which, by a rule * * * * he is required to keep;

(*h*) intentionally fails to exhibit anything which, by a rule, * * he is required to exhibit; or

(*i*) fails to deposit arms, ammunition, or military stores, as required by * * * * * section 16;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

20. Whoever does any act mentioned in clause (*a*) * * * of section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the [1]Indian Penal Code, or to any person employed upon a railway, or to the servant of any public carrier, XLV of 1860.

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition, or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, be punished* with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition, or military stores from any person not licensed or authorised under the proviso to section 5 to sell the same, or

delivers any arms, ammunition, or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition, or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition, or military stores, and any vessel, cart, or baggage animal used to convey the same and any box, package, or bale in which the same may have been concealed, together with the other contents of such box, package, or bale, shall be confiscated.

(Home Department Notification No. 846, dated the 19th June, 1893.)

[1] *See* now the revised Ind. as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

RULE VI—11.

BREECH-LOADING RIFLES, RIFLE AMMUNITION OR MILITARY STORES FOR RIFLES.

FORM VII—B.

FEE TEN RUPEES IN STAMPS.

License to keep and sell Arms, Ammunition or Military Stores.

Serial number of license.	Name and residence of license-holder.	Place of business.	Description of		Date on which license expires.
			Arms.	Ammunition or military stores.	
					The 31st of December, 190 .

(Signature.)

_____ DISTRICT:

Sea

Secretary to the _____

The _____ *190* .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	* Secretary to the Local Government, Commissioner (in Sind).

* Home Department Notification No. 5205, dated the 13th September, 1901.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

1. This license is given subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

XI of 1878.

2. He shall keep registers of all arms and ammunition in stock and of all sales, in such forms as the Local Government may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate, or by any Police officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest police station.

N. B.—This condition may be omitted at the discretion of the Local Government.

5. He shall affix on a conspicuous part of his shop, or usual place of business, a signboard on which shall be painted in large letters in English and in the Vernacular of the district his name and the words "Licensed to deal in arms, ammunition and military stores." He shall also post up in his shop a copy of section 28 of the Act either in the Vernacular of the district or in English.

6. He shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VIII or IX—(1) the name and address of the person who takes delivery of the articles sold, (2) the nature and amount of the article sold, (3) the date of sale, and shall sign the endorsement.

7. This license only covers sales of arms, ammunition or military stores effected upon the premises shown on the face of the license.

8. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9. This license does not authorize the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

10. When such licenses are granted in and for the local areas noted on the margin,* the licensee shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person desirous of obtaining the arms or ammunition is for the time being resident, unless such person—

* The districts of—
(1) Peshawar.
(2) Kohat.
(3) Bannu } except
(4) Dera Ismail Khan } the Cis-Indus tahsils.
(5) Dera Ghazi Khan
Home Department Notification No. 4531, dated the 26th July, 1901.

(*a*) is exempted, by virtue of any of the clauses (*1*) to (*8*) or of clause (*9*), sub-head (*d*) of paragraph I of the Notification of the Government of India in the Home Department, No. 518, dated the 6th March, 1879, as subsequently amended, from certain prohibitions and directions contained in sections 13 to 16 of the Indian Arms Act, 1878 (XI of 1878), or

(*b*) is included in a list compiled by the District Magistrate for this purpose and declares that he purchases for his own use.

Sections of the Indian Arms Act, 1878, referred to in Condition No. 1.

5. No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 27 of this Act shall, without unnecessary delay, give to the Magistrate of the district or to the officer in charge of the nearest police station, notice of the sale and of the purchaser's name and address.

16. Any person possessing arms, ammunition or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license * * * * * become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

If the owner of anything deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited to Her Majesty.

19. Whoever commits any of the following offences (namely) :—

(*a*) manufactures, converts or sells, or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provisions of section 5;

(*b*) fails to give notice as required by the same section;

* * * * * *

(*g*) intentionally makes any false entry in a record or account which, by a rule * * he is required to keep;

(*h*) intentionally fails to exhibit anything which, by a rule * * * * he is required to exhibit; or

(*i*) fails to deposit arms, ammunition or military stores, as required by * * * section 16;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

20. Whoever does any act mentioned in clause (*a*) * * * to section 19, in such manner as to indicate an intention that such act may not be known to any public servant as defined in the [1]Indian Penal Code or to any person employed upon a Railway, or to the servant of any public carrier,

XLV of 1860.

and whoever, on any search being made under section 25, conceals or attempts to conceal any arms, ammunition or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

21. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 19 or section 20, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

22. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorized under the proviso to section 5 to sell the same, or

[1] See the revised Edn. as modified up to 1st April, 1903.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

delivers any arms, ammunition or military stores, into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

23. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

24. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

(Home Department Notification No. 902, dated the 20th February, 1901.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI—13, 13-A. & 15-B. & 15-

FORM VIII.

FEE EIGHT ANNAS FOR EACH WEAPON IN DISARMED DISTRICTS, FOUR ANNAS FOR EACH WEAPON IN OTHER DISTRICTS, PAYABLE IN STAMPS.

License to possess Arms or Ammunition and to go armed for purposes of sport, protection or display.

Serial number of license.	Name of license-holder with particulars of residence.	Number of retainers, if any, covered by the license (Rule 24).	ARMS OR AMMUNITION.		Purpose for which granted.	District or place within which license is valid.	Date on which license expires.
			Description.	Quantity.			
							The 31st of December 190 .

(Signature.)

The _____ 190 .

Seal.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form of renewing the License.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Commissioner of Police or Magistrate.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

1. This license is granted subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder.

XI of 1878.

2. It covers only the persons and the arms named therein, unless it is certified to cover retainers of the holder.

3. It is void after the date named therein.

4. It extends only to the place or district named therein, unless countersigned for other districts or the whole Province by the Commissioner or other superior officer.

Home Department Notification No. 459, dated the 22nd March, 1895.

5. It authorizes the holder or persons acting under it to go armed within the place or district named for *bonâ fide* prosecution of the purpose named on the license; but, unless specially authorized by the Magistrate or Commissioner of Police, it does not permit the holder or persons aforesaid to go armed in railway carriages, or to fairs, religious processions, or other public assemblages.

6. The license-holder, when purchasing any new arms or ammunition shall have the following particulars endorsed upon his license under the vendor's signature:—

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and amount of the articles purchased;

(3) the date of purchase.

7. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact to the nearest police station.

N. B.—This conditoin may be omitted at the discretion of the Local Government.

8. The special attention of the license-holder is drawn to the following sections of the Act:—

Section 5.—No person shall manufacture, convert or sell, or keep, offer or expose for sale any arms, ammunition or military stores, except under a license and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 27 of this Act shall, without unnecessary delay, give to the Magistrate of the District, or to the officer in charge of the nearest police station, notice of the sale and of the purchaser's name and address.

Section 13.—No person shall go armed with any arms, except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license, or in contravention of its provisions, may be disarmed by any Magistrate, Police officer or other person empowered by the Local Government in this behalf by name or by virtue of his office.

Section 19.—Whoever commits any of the following offences, (namely):—

(*a*) manufactures, converts or sells, or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provisions of section 5;

(*b*) fails to give notice as required by the same section;

* * * * * *

(*e*) goes armed in contravention of the provisions of section 13;

(*f*) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of section 14 or section 15;

Home Department Notification No. 459, dated the 22nd March, 1895.

* * * * * *

(*i*) fails to deposit arms, ammunition or military stores as required by section 14 or section 16;

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

9. This license expires on the 31st December of the year in which it is issued. The license-holder can have it renewed by filing

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

an application for its renewal on stamped paper of the prescribed value.

Home Department Notification No. 532, dated the 16th March, 1894.

10. This license does not authorise the licensee to possess Government arms and ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

(Home Department Notification No. 846, dated the 19th June, 1893.)

(Home Department letter to the Government of Madras, No. 1271, dated the 29th April, 1902.)

NATIONAL ARCHIVES OF INDIA

RULE VI—14.

FORM IX.

FEE FOUR ANNAS FOR EACH WEAPON PAYABLE IN STAMPS FOR LICENSES GRANTED IN BRITISH INDIA; FREE OF ALL FEE FOR LICENSES GRANTED BY POLITICAL AGENTS TO SUBJECTS OF NATIVE STATES.

License to go armed—On a journey.

Name, etc., of license-holder, with particulars of his residence.	Number of retainers, if any, who may be covered by the license (Rule 24).	Arms and ammunition covered by this license.		Place of departure, route, and destination of journey.	Time which journey will probably take.	Date from which and to which the license is valid.
		Description.	Quantity.			
						From the_____th _____ 190 , to the_____th of _____ 190 .

(Signature.)

_____

Seal

_____ *of* _____ *District.*

*The*_____ *190* .

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license covers only the persons and the arms named therein unless it is certified to cover retainers of the holder.

It is void after the expiration of the period named therein.

XI of 1878. It is granted subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder.

It does not permit holders to go armed in railway carriages, to fairs, religious processions or other public assemblages.

The license-holder shall, at the time of purchase, have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature :—

Home Department Notification No. 2100, dated the 23rd December, 1881.

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and amount of the articles purchased;

(3) the date of purchase.

Home Department Notification No. 532, dated the 16th March, 1894.

The license does not authorize the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory or which is prepared for and supplied to Government.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

RULE VI—15 & 15A.

FORM X.

FREE OF ALL FEE.

License to possess Firearms, Ammunition or Military Stores in a District which has not been disarmed.*

Name, etc., of license-holder, with particulars of residence.	Number and description of weapons.	AMMUNITION OR MILITARY STORES.		Place, with full details where articles are to be kept.	Term for which license is valid.
		Description.	Quantity.		
					† For five years from the _____ of _____

(Signature.)

_____

Seal.

The _____ *190* .

Magistrate of the _____ *District.*

* (Home Department Notification No. 856, dated the 30th April, 1879.)
† (Home Department Notification No. 1168, dated the 5th June, 1899.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license protects only the weapons and articles named, so long as they are kept in the place described on the license.

It does not authorize the holder to go armed or to carry arms.

It is granted subject to the provisions of [1]"The Indian Arms Act, 1878," and the rules framed thereunder.

XI of 1878.

Home Department Notification No. 532, dated the 16th March, 1894.

This license does not authorize the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

FORM XI. RULE VI—16.

FREE OF ALL FEE.

License to possess Arms and Ammunition for the purpose of destroying wild animals.

Name, etc., of license-holder, with particulars of residence.	ARMS AND AMMUNITION.		Place or tract within which license is valid.	Term for which license is valid.	Title and residence of Magistrate to whom the license and weapon must be shown between the 15th November and the 31st December.
	Description.	Quantity.			
				From the———of ———to the 31st of December 190 .	

(Signature.)

Magistrate of the———District.

Seal.

The———— *190* .

Notes of Magistrate to whom the license and weapon are periodically shown.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is granted subject to the provisions of [1] "The Indian Arms Act, 1878," and the rules framed thereunder.

XI of 1878.

The holder is bound to show his license and weapons once a year to the Magistrate of ——————.

This license is void if the holder sells his weapon; if it is seized in execution of decree; if it is carried to any considerable distance beyond the limits of the places named in the license; or if he fails to show it once a year to the Magistrate aforesaid.

It is void on the death of the holder.

The holder must not go armed in railway carriages, to fairs, religious processions or other public assemblages.

The holder is bound to observe a close season as prescribed by the Local Government in respect to the undermentioned game-birds and animals which do no injury to men, cattle or crops.

If a gun, covered by this license, is lost or stolen, the license-holder shall at once give notice of the fact at the nearest Police station.

Home Department Notification No. 2443, dated the 19th December, 1889.

Home Department Notification No. 532, dated the 16th March, 1894.

This license does not authorize the licensee to possess Government arms or ammunition.

Explanation.—A "Government arm" is a firearm or other weapon which is the property of the Government.

"Government ammunition" is ammunition manufactured in any Government factory, or which is prepared for and supplied to Government.

Specification of animals or birds.	*Close season.*

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

FORM XII. RULE VI—16 A. & B.

License to possess and transport gunpowder and fuses and to transport dynamite, blasting gelatine and detonating caps for bonâ fide *blasting purposes.*

(No fee payable.)

Name of license-holder with particulars of residence.	COLUMNS TO BE FILLED IN CASES OF TRANSPORT.			Quantity of gunpowder and fuses.	District or place within which license is valid.	Term for which license is valid.
	Place of despatch, route, and mode of transit.	Time for which pass is valid.	Destination.			
		From the to the 190 .				

(Home Department Notification No. 1555, dated the 30th September, 1881.)
(Home Department Notification No. 3494, dated the 20th November, 1902.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

This license is subject to the provisions of the Arms Act and of the rules framed thereunder.

It covers only the person and the quantity of gunpowder and fuses named therein.

It extends only to the district or place named therein, and is void after the expiration of the term mentioned.

In cases of transport—

The license becomes void if the time occupied in transit exceeds the period specified, or if the consignment breaks bulk before reaching the place of destination, or if the articles are taken by any other route than that specified in the license.

The contents of each package covered by the license must be described in legible letters on the outside of such package.

This license must be delivered to the Magistrate of the district or other officer authorised to receive the same, and the articles must be available for exhibition to such Magistrate or officer within six days of their arrival at their destination.

Home Department Notification No. 2230, dated the 29th November, 1889.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(RULE VI-16-B.)

FORM XII-A.

FREE OF ALL FEE.

General license to transport dynamite, blasting gelatine, detonating caps and other explosive material required bonâ fide *for blasting purposes.*

A general license is hereby granted to _____ to transport from _____ to _____ * _____ required *bonâ fide* for blasting purposes subject to the conditions on the back of this license.

This license shall continue in force till the _____ 190 .

Commissioner of Police, or

The _____ 190 . *District Magistrate.*

Here enter the quantity and kind of explosive material to be transported.

Conditions of license.

This license is subject to the Indian Arms Act, 1878 (XI of 1878), and of the rules made thereunder.

It covers only the person and the quantity and kind of explosive material named therein.

It becomes void on the expiration of the term mentioned, or if a consignment breaks bulk before reaching the place of destination, or if the explosive material is taken from or to any place other than the places specified in the license.

It authorizes the licensee to deliver consignments of explosive material, provided—

(*i*) that the licensee and the consignee have taken out licenses for the possession of explosives under the [1]Indian Explosives Act, 1884 (IV of 1884) ;

[1]General Acts, Vol. IV, Edn. 1898, p. 703.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(*ii*) that the rules to regulate the manner of transport of explosives published with the Notification of the Government of India in the [1]Home Department, No. 5528, dated the 11th October, 1901, are duly observed ;

(*iii*) that within twenty-four hours of the despatch of each consignment full information regarding the nature, quantity and destination thereof is furnished by the licensee to the authority granting the license and also to the Magistrate of the district to which the explosives are consigned ;

(*iv*) that the licensee shall, with each consignment of explosive material conveyed by cart under cover of his license, issue a pass in the form appended hereto, specifying the places from and to which the explosive material is to be conveyed and the quantity of the explosive material covered by it ;

(*v*) that where a consignment of explosive material is transported by cart, the person in charge of any such cart shall not smoke, nor permit smoking, on or dangerously near the same.

NATIONAL ARCHIVES OF INDIA

[1] Vol. II, p. 942.

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Appendix.

FORM OF PASS.

(RULE 16-B.)

Pass to be granted by the holder of General License No. for the transport by cart of dynamite, blasting gelatine, detonating caps and other explosive material required bonâ fide *for blasting purposes.*

No.

This pass covers packages containing *of †, being the property of , while in transport from to .

Holder of General License No.

* Here specify amount of explosive material.
† Here specify nature of explosive material.

[*Endorsement on Form of Pass.*]

RULE.

[Here enter Rule 16-B.]

(Home Department Notification No. 3494, dated the 20th November, 1902.)

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

FORM XIII. RULE VI—13-C (i).

[Fee.—Four annas payable in Stamps.]

License to possess Arms or Ammunition in fenced or stockaded villages in Burma and to go armed.

Name, father's name, age, race, and residence of license-holder.	Distinguishing marks of license-holder.	Number of retainers, if any, who may be covered by the license.	Description and number of weapons and quantity of ammunition covered by license.	District or place within which license is valid.	Purpose for which granted.	Date on which license expires.

The _____ *190* . } Seal.

District Magistrate of the _____ *District*

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

From for renewal of License.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Magistrate.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Terms and conditions subject to which a License in Form XIII is to be granted.

[To be printed on the reverse of the License Form.]

1. This license is granted subject to the provisions of "[1]The Indian Arms Act, 1878," and the rules framed thereunder.

XI of 1878.

2. It covers only the persons and arms named therein, unless it is certified to cover retainers of the holder.

3. It is void after the 31st March next following the date on which it is granted. The license-holder can have it renewed by presenting an application for its renewal on paper stamped with a four-anna stamp.

4. It extends only to the district or place named therein.

5. When the license covers firearms or ammunition, it is granted subject to the following conditions, and shall be void if and as soon as any of these conditions ceases to be fulfilled :—

(*a*) that the village in which the license-holder resides contains at least 50 houses;

(*b*) that there are at least nine other license-holders in the village;

[*N.B.*—Conditions (*a*) and (*b*) may be relaxed in the cases of Karens of proved loyalty recommended by their Missionaries, and in other special cases, with the sanction of the Commissioner of the Division, provided that in no case shall the number of guns in any village be less than five.]

(*c*) that the village is well fenced or stockaded, so as to prevent its being rushed, and that the ground round it is kept clear of jungle or cover for the space of 50 yards;

(*d*) that the license-holder engages to act as a special constable, and to resist dacoits whenever the village is attacked, and to pursue them when called upon by competent authority. A competent authority means the headman of the village in which the license-holder resides or a civil officer not below the rank of Circle Thugyi in Lower Burma or Myoôk in Upper Burma, or a Police Officer not below the rank of Jemadar of Military Police or Head Constable of Civil Police, or any Military Officer in command of a party of troops;

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(*e*) that the license-holder shall not carry his firearm beyond the boundaries of his own village, unless he has been called out by a competent authority to pursue dacoits or by the headman or thugyi to assist in the transport of public revenue or in any other public duty; or, unless, being himself a headman or thugyi, he is engaged in the collection or transport of the public revenue or in any public duty; provided that in Lower Burma the license-holder, when wearing his uniform or badge, may carry his gun within the limits of the circle in which his village is situated;

(*f*) that if the license-holder is obliged to go away and leaves his gun in the village for the night, he shall deposit it with the headman of his village until his return;

[*N. B.*—If the license-holder is himself a thugyi or headman, he shall deposit his gun with another trustworthy license-holder.]

(*g*) that the license-holder shall provide himself with a uniform jacket or badge, which will be given to him at cost price by the District Superintendent of Police, and that he shall wear this uniform or badge whenever he is called upon to act beyond the boundaries of his own village;

(*h*) that he shall produce his gun for inspection whenever called upon by a civil officer not below the rank of a Myoôk in Upper Burma or of Circle Thugyi in Lower Burma, or by a Military Police Officer not below the rank of Jemadar, or by a Civil Police Officer not below the rank of Head Constable;

(*i*) that he shall keep and produce for inspection, when required, half a pound of powder, 50 caps, and a proportionate quantity of bullets or buck-shot, or if a smooth-bore breech-loading gun is permitted under the license, fifty cartridges therefor filled with powder and bullets or buck-shot;

(*j*) that he shall not purchase ammunition from any one but the District Superintendent of Police;

(*k*) that if the license-holder lends, loses, or in any way parts with his gun, this license and all other licenses to possess and carry firearms granted in the village in which the said license-holder resides shall be cancelled and the fire-arms confiscated;

NATIONAL ARCHIVES OF MYANMAR

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

(*l*) this license is liable to be withdrawn at any time at the discretion of Government.

6. The license-holder, when purchasing any new arms or ammunition, shall have the following particulars endorsed upon his license under the vendor's signature :—

(1) the name and address of the person who takes delivery of the articles purchased ;

(2) the nature and amount of the articles purchased ;

(3) the date of purchase.

7. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact to the nearest police-station.

XI of 1878. 8. The special attention of the license-holder is drawn to the following provisions of the [1]Indian Arms Act, 1878 :—

Section 13.—"No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

"Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police Officer, or other person empowered by the Local Government in this behalf by name or by virtue of his office."

[In Burma the following persons have been so empowered, namely, thugyis, village headmen, and rural policemen.]

Section 19.—"Whoever * * * goes armed in contravention of the provisions of section 13 * * * shall be punished with imprisonment for a term which may extend to three years, or with fine or with both."

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI—13-C(ii).

FORM XIV.

[Fee.—Four annas payable in Stamps.]

License to possess Arms or Ammunition and to go armed to be granted in special cases to Circle Thugyis and Headmen in Burma.

Name, father's name, age, race, and residence of license-holder.	Distinguishing marks of license-holder.	Number of retainers, if any, who may be covered by the license.	Description and number of weapons and quantity of ammunition covered by license.	District or place within which license is valid.	Purpose for which granted.	Date on which license expires.

(*Signature.*)

District Magistrate of the

_____ *District.*

Seal.

The _____ *19*

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form for renewal of license.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Magistrate.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Terms and conditions subject to which a License in Form XIV is to be granted.

[To be printed on the reverse of the License Form.]

1. This license is granted subject to the provisions of "[1]The Indian Arms Act, 1878," and the rules framed thereunder. XI of 1878.

2. It covers only the person and arms named therein, unless it is certified to cover retainers of the holders.

[*N.B.*—The number of arms and retainers covered by the license shall be fixed by the Commissioner in each case.]

3. The license is void after the 31st March next following the date on which it is granted. The license-holder can have it renewed by presenting an application for its renewal on paper stamped with a four-anna stamp.

4. It extends only to the district or place named therein.

5. When the license covers firearms or ammunition, it is granted subject to the following conditions, and shall be void if and as soon as any of these conditions ceases to be fulfilled :—

(*a*) that the village in which the license-holder resides contains at least 50 houses ;

(*b*) that the village is well fenced or stockaded so as to prevent its being rushed, and that the ground round it is kept clear of jungle or cover for the space of 50 yards:

Provided that both or either of condition (*a*) or (*b*) may be dispensed with if the Commissioner of the Division is satisfied that the firearm is kept in a proper or defensible place, or that for other reasons the enforcement of the condition or conditions is unnecessary ;

(*c*) that the license-holder engages to act as a special constable and to resist dacoits whenever the village is attacked, and to pursue them when called upon by a competent authority. A competent authority means a civil officer not below the rank of Myoôk, or a Police Officer not below the rank of Jemadar of Military Police or Head Constable of Civil Police, or any Military Officer in command of a party of troops ;

(*d*) that the license-holder shall not carry his firearm beyond the boundaries of his own village unless he goes out to pursue

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

dacoits, or unless he is engaged in the collection or transport of revenue or in any other public duty; provided that the license-holder, when wearing his uniform or badge, may carry his gun within the limits of the circle in which his village is situated;

(*e*) that the license-holder shall provide himself with a uniform jacket or badge, which will be given to him at cost price by the District Superintendent of Police and that he shall wear this uniform or badge whenever he is called upon to act beyond the boundaries of his own village;

(*f*) that he shall produce his gun for inspection whenever called upon by a civil officer not below the rank of a Myoôk, or by a Military Police Officer not below the rank of Jemadar, or by a Civil Police Officer not below the rank of Head Constable;

(*g*) that he shall keep and produce for inspection, when required, half a pound of powder, 50 caps, and a proportionate quantity of bullets or buck-shot, or, if a smooth-bore breech-loading gun is permitted under the license, fifty cartridges therefor filled with powder and bullets or buck-shot;

(*h*) that he shall not purchase ammunition from any one but the District Superintendent of Police;

(*i*) that, if the license-holder lends, loses, or in any way parts with his gun, this license shall be cancelled and the fire-arms confiscated;

(*j*) this license is liable to be withdrawn at any time at the discretion of Government.

6. The license-holder when purchasing any new arms or ammunition shall have the following particulars endorsed upon his license under the vendor's signature:—

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and amount of the articles purchased;

(3) the date of purchase.

7. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact to the nearest police-station;

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

8. The special attention of the license-holder is drawn to the following provisions of the [1]Indian Arms Act, 1878: XI of 1878.

Section 13.—"No person shall go armed with any arm except under a license and to the extent and in the manner permitted thereby.

"Any person so going armed without a license, or in contravention of its provisions, may be disarmed by any Magistrate, Police Officer, or other person empowered by the Local Government in this behalf by name or by virtue of his office."

[In Burma the following persons have been so empowered, namely, thugyis, village headmen, and rural policemen.]

Section 19.—"Whoever * * * goes armed in contravention of the provisions of section 13 * * * shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both."

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI—13-C(iii).

FORM XV.

[Fee.—Four annas payable in Stamps.]

License to possess Arms and Ammunition and to go armed to be granted to persons employed in forests in Burma.

Name, father's name, age, race, and residence of license-holder.	Distinguishing marks of license-holder.	Description and number of weapons and quantity of ammunition covered by license.	District or place within which license is valid.	Date on which license expires.	REMARKS

The _____ *19* .

Seal.

(*Sd.*) _____

District Magistrate of the _____ *District.*

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form for renewal of license.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Magistrate.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

[To be printed on the reverse of the License Form.]

Name of person authorized by the license-holder to carry the weapon.	Father's name.	Residence.	Date.	Signature of license-holder.

Terms and conditions subject to which a License in Form XV is to be granted.

XI of 1878. 1. This license is granted subject to the provisions of "[1] The Indian Arms Act, 1878," and the rules framed thereunder.

2. It covers only the persons, arms, and ammunition named therein, including persons whose names are entered by the license-holder in the above form. The license-holder must sign every such entry himself.

3. The license is void after the 31st March next following the date on which it is granted. The license-holder can have it renewed by presenting an application for its renewal on paper stamped with a four-anna stamp.

4. It extends only to the district or place named therein unless countersigned for other specified districts by the Commissioner or other superior officer.

5. When the license covers firearms or ammunition, it is granted subject to the following conditions and shall be void if and as soon as any of these conditions ceases to be fulfilled:—

(*a*) that the license-holder or person duly authorized by him shall not go armed except in company with at least four other license-holders or persons duly authorized under licenses in Form XV armed with firearms;

(*b*) that the license-holder shall produce the firearms mentioned in the license whenever required to do so by the Deputy Commissioner or by any officer authorized by the Deputy Commissioner in this behalf.

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

6. The license-holder when purchasing any new arms or ammunition shall have the following particulars endorsed upon his license under the vendor's signature:—

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and amount of the articles purchased;

(3) the date of purchase.

7. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact at the nearest police station.

8. The special attention of the license-holder is drawn to the following provisions of the [1]Indian Arms Act, 1878:—

Section 13.—"No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

"Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police Officer, or other person empowered by the Local Government in this behalf by name or by virtue of his office."

[In Burma the following persons have been so empowered, namely, thugyis, village headmen, and rural policemen.]

Section 19.—"Whoever * * * goes armed in contravention of the provisions of section 13 * * * shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both."

[1] General Acts, Vol. III, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

RULE VI.—13-C(iv).

FORM XVI.

[Fee.—Four annas payable in Stamps.]

License to possess Arms or Ammunition and to go armed in the Tavoy, Mergui, Salween, Bhamo, Ruby Mines and Upper Chindwin Districts, and the Hill Tracts of Northern Arakan only.

Name, father's name, age, race and residence of license-holder.	Distinguishing marks of license-holder.	Number of retainers, if any, who may be covered by the license.	Description and number of weapons and quantity of ammunition covered by license.	District or place within which license is valid.	Purpose for which granted.	Date on which license expires.

(*Signature.*)

District Magistrate of District.

The _____ *190* . } Seal.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Form for renewal of license.

Date and year of renewal.	Date on which the renewed license expires.	Signature of Magistrate.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*contd.*

Rules under the Act—*contd.*

Terms and conditions subject to which a license in Form XVI is to be granted.

[To be printed on the reverse of the License Form.]

XI of 1878. 1. This license is granted subject to the provisions of "[1]The Indian Arms Act, 1878," and the rules framed thereunder.

2. It covers only the persons and arms named therein, unless it is certified to cover retainers of the holder.

3. It is void after the date named therein, and shall not be granted for a longer period than three years. The license-holder can have it renewed by presenting an application for its renewal on paper stamped with a four-anna stamp.

4. It extends only to the place or district named therein.

5. When the license covers firearms or ammunition, it is granted subject to the following conditions, and shall be void if and as soon as any of these conditions ceases to be fulfilled:—

(*a*) that the license-holder engages to act as a special constable, to resist dacoits whenever the village in which he lives, if he lives in a village, is attacked, and to pursue them when called upon by a competent authority. A competent authority means the headman of the village in which the license-holder resides, or a Civil Officer not below the rank of Thugyi, or a Police Officer not below the rank of Jemadar of Military Police, or Head Constable of Civil Police, or any Military Officer in command of a party of troops;

(*b*) that he shall produce his gun for inspection when called upon to do so by a Thugyi, a Jemadar of Military Police, or Head Constable of Civil Police:

(*c*) that he shall keep and produce for inspection, when required, half a pound of powder, 50 caps, and a proportionate quantity of bullets or buck-shot, or, if a smooth-bore breech-loading gun is permitted under the license, fifty cartridges therefor filled with powder and bullets or buck-shot;

(*d*) that he shall not purchase ammunition from any one but the District Superintendent of Police;

[1] General Acts, Vol. VIII, Edn. 1898, p. 243.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN ARMS ACT, 1878 (XI OF 1878)—*concld.*

Rules under the Act—*concld.*

(*e*) that, if the license-holder lends, loses, or in any way parts with his gun, this license and, if the license-holder resides in a village, all other licenses to possess or carry firearms granted in the village in which the said license-holder resides, shall be cancelled and the firearms confiscated;

(*f*) this license is liable to be withdrawn at any time at the discretion of Government.

6. The license-holder when purchasing any new arms or ammunition shall have the following particulars endorsed upon his license under the vendor's signature:—

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and amount of the articles purchased;

(3) the date of purchase.

7. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact to the nearest police station.

8. The special attention of the license-holder is drawn to the following provisions of the [1]Indian Arms Act, 1878:—

Section 13.—"No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby.

"Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police Officer, or other person empowered by the Local Government in this behalf by name or by virtue of his office."

[In Burma, the following persons have been so empowered, namely, thugyis, village headmen, and rural policemen.]

Section 19.—"Whoever * * * goes armed in contravention of the provisions of section 13 * * * shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both."

[[2]*See* Gazette of India, 1879, Pt. I, p. 141.]

[1] General Acts, Vol. III, Edn. 1898, p. 243.

[2] The original Notification was published in this Gazette, the Notification here riated is the Notification as amended up to date and is taken from a corrected copy kept in the Home Department.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE LOCAL AUTHORITIES LOANS ACT, 1879 (XI OF 1879).

Grant of Loans to Local Authorities.

No. 15, dated the 1st January, 1889.—In exercise of the powers conferred by section 5 of the [1]Local Authorities Loans Act, 1879, the Governor General in Council has made the following Rules for the grant of loans to Local Authorities by the Government :—

XI of 1879.

1. These rules shall come into force on the 1st day of February, 1889. On and from that date the rules published with Notification No. 2749, dated 17th August, 1883, in so far as they relate to the granting of loans shall be rescinded except as regards loans applied for before these rules come into force.

2. In these Rules (1) "the Act" means the Local Authorities Loans Act, 1879; (2) "Local Authority" and (3) "funds" have the meanings assigned to them respectively in the Act; (4) "the Local Authority" means the Local Authority applying for or, as the case may be, receiving or having received the loan; (5) "loan" means a loan under the Act; [2]* * * * * *

3. A loan must be defined in rupees and not by the sterling or any other foreign standard.

4. No loan shall be granted except for the construction or repair of works of public utility within the local limits of the area subject to the control of the Local Authority, or for the benefit of the inhabitants within those limits.

[3]5. * * * * * *

6. An application for a loan shall state—

1st, the work or works, for the construction or repair of which the loan is required, and an estimate of the cost thereof:

2nd, the amount which it is proposed to borrow:

3rd, the fund or funds on the security of which it is proposed to borrow:

4th, the law or laws under which the said fund or funds is or are levied, received or held:

5th, the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments, and the instalments, if any, in which it is proposed to repay the loan:

6th, a detailed account of the revenue and expenditure of the Local Authority for the three last preceding years:

(*Note.*—Debt and deposit transactions, such as receipts from, and repayments of loans and deposits from contractors and others, should not be included under revenue

[1] General Acts, Volume III, Edn. 1898, p. 259.

[2] Words defining "Local Board" were cancelled by Notification No. 417, dated the 24th January, 1890, *see* Gazette of India, 1890, Pt. I, p. 67.

[3] Rule 5 was cancelled by Notification No. 417 of 24th January, 1890, see *ibid.*

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE LOCAL AUTHORITIES LOANS ACT, 1879 (XI OF 1879)—*contd.*

Grant of Loans to Local Authorities—*contd.*

and expenditure, but should be shown separately. All important variations in the amounts of revenue and expenditure should be explained.)

7th, all existing prior charges upon the funds of the Local Authority.

7. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements containedin the application and into the use and value of the proposed work.

8. If it appears to the Local Government that the loan ought not to be granted, it shall reject the application.

9. If it appears to the Local Government probable that the loan ought to be granted, it shall cause to be published in the local official Gazette, and otherwise as it deems fit within the local limits of the area subject to the control of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 7, as it may think necessary.

10. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application, or grant the loan if funds are available from the grant placed at its disposal for the purpose: Provided that, where the Local Authority is any one of the corporations mentioned or referred to in clause (*a*) of the proviso to section 8 of the Act, the Local Government, if it approves the application, shall not itself proceed to sanction it, but shall refer the application for the orders of the Governor General in Council.

11. The Local Government shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the purposes for which it is made. Every such work, and the accounts connected therewith, shall be open at all times to the inspection of the Superintending or Executive Engineer in whose division the work is situate, and of any person who may be authorised to inspect the accounts of the Local Authority and of any other person specially authorised by the Local Government in this behalf.

12. If the Local Government considers that the conditions on which a loan was granted have not been fulfilled, or that the Local Authority has failed to comply with any of the requirements of these Rules, it may at any time order that no further payments shall

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE LOCAL AUTHORITIES LOANS ACT, 1879 (XI OF 1879)—*contd.*

Grant of Loans to Local Authorities—*concld.*

be made on account of such loan and recover the amount advanced with interest thereon, in the manner mentioned in section 6 of the Act.

13. Interest shall be charged half-yearly on each loan at the rate agreed upon; and shall be reckoned and paid on each instalment from the date on which it is received.

14. The Local Authority may, at any time with the previous consent of the Local Government, repay the whole or any part of a loan made from the public Treasury in advance of the period fixed by the conditions of the loan.

15. The cost of any enquiry made under Rule 7, of advertisements published under Rule 9, of inspections made under Rule 11, and of any other proceedings by order of the Local Government or the Governor General in Council under these rules, shall be determined by the Local Government, and shall be paid by the Local Authority.

16. (*a*) The accounts of every loan shall be kept by the Accountant-General of the province in which it is made.

(*b*) The Local Authority shall give to the Accountant-General and the Local Government any information which they may require regarding the expenditure of the loan, and regarding its funds.

17. An annual statement of all loans granted under the Act, repayments due and made during the year and balances outstanding at the beginning and end of the year in each Province, or under each Local Government, shall be prepared by the Accountant-General and submitted to the Government of India through the Local Government, which shall add a report of the progress of the works. Such statement shall be published in the local official Gazette.

18. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise as may be directed by the Local Government, within the local limits of the area subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid into the Government Treasury; and the accounts of moneys so collected, and of the cost of the collection, shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.

[*See* Gazette of India, 1889, Pt. I, p. 13.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE LOCAL AUTHORITIES LOANS ACT, 1879 (XI OF 1879)—*contd.*

Rules as to raising of Loans by Local Authorities in open market.

No. 16, dated the 1st January, 1889.—In exercise of the powers conferred by sections 5 and 7 of the Local Authorities Loans Act, 1879, the Governor General in Council has made the following Rules for the raising of loans by Local Authorities in the open market :— XI of 1879.

1. These Rules shall come into force on the first day of February, 1889. On and from that date the rules published with Notifications Nos. 2748 and 2471, dated 17th August, 1883, and 11th May, 1888, respectively, in so far as they relate to the authorisation of loans, shall be rescinded, except as regards loans applied for before these Rules come into force.

2. In these Rules (1) "the Act" means the Local Authorities Loans Act, 1879; (2) "Local Authority" and (3) "Funds" have the meanings assigned to them respectively in the Act; (4) the "Local Authority" means the Local Authority applying for permission to raise, or, as the case may be, raising or having raised the loan; and (5) "Loan" means a loan under the Act.

[1]3. (*1*) Save as otherwise provided in sub-rule (*2*), every loan shall be defined in rupee currency.

(*2*) The Local Government, with the previous sanction of the Governor General in Council, may direct that any particular loan shall be defined in sterling currency.

[2]4. (*1*) A loan shall not be raised except for the construction or repair of works of public utility—

(*a*) within the local limits of the area subject to the control of the Local Authority ; or

(*b*) for the benefit of the inhabitants within those limits.

(*2*) The term of a loan shall not extend, except for very special reasons, over a period exceeding twenty years and, save as hereinafter otherwise provided by sub-rule (*3*), shall not extend over a period exceeding thirty years.

(*3*) In the case of the Rangoon Municipality or the Rangoon Port-Trust, the term of a loan may, with the previous sanction of the Governor General in Council, extend over a period not exceeding forty-four years.

[1] Rule 3 was substituted by Notification No. 3184-A., dated 1st June, 1903, *see* Gazette of India, 1903, Pt. I, p. 399.

[2] Rule 4 was substituted by Notification No. 700-A., dated 9th February, 1903, *see* Gazette of India, 1903, Pt. I, p. 102.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE LOCAL AUTHORITIES LOANS ACT, 1879 (XI OF 1879)—*contd.*

Rules as to raising of Loans by Local Authorities in open market—*contd.*

5. Whenever it is desired to obtain the authorisation of the Government to the raising of a loan under section 7 of the Act a statement shall be submitted to the Local Government showing :—

1st, the work or works for the construction or repair of which the loan is required, and an estimate of the cost thereof :

2nd, the amount which it is proposed to borrow :

3rd, the fund or funds on the security of which it is proposed to borrow :

4th, the law or laws under which the said fund or funds is or are levied, received or held :

5th, the dates between which the money borrowed is to be received :

(*Note.*—It is essential that the authority to borrow in the market should be limited to a reasonable time, as loans of any considerable amount cannot be held in suspense indefinitely. The dates therefore must be fixed with reference to this condition and must not be so wide apart and so indefinite as practically to be no limitation.)

6th, the term of years for which the money is to be borrowed, the instalments, if any, in which it is to be repaid, and the amount of sinking fund, if any, provided for its repayments :

7th, a detailed account of the revenue and expenditure of the Local Authority for the last three preceding years :

(*Note.*—Debt and deposit transactions such as receipts from, and repayments of, loans and deposits from contractors and others should not be included under revenue and expenditure, but should be shown separately. All important variations in revenue and expenditure should be explained.)

8th, all existing prior charges upon the funds of the Local Authority.

6. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work.

7. If it appears to the Local Government that the loan ought not to be raised, it shall reject the application.

8. If it appears to the Local Government probable that the loan ought to be raised, it shall cause to be published in the local official Gazette, and otherwise as it deems fit, within the local limits of the area subject to the control of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 6 as it may think necessary.

9. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE LOCAL AUTHORITIES LOANS ACT, 1879 (XI OF 1879)—*concld.*

Rules as to raising of Loans by Local Authorities in open market—*concld.*

may either reject the application or sanction it: Provided that where the Local Authority is any one of the corporations mentioned or referred to in clause (*a*) of the proviso to section 8 of the Act, the Local Government, if it approves the application, shall not itself proceed to sanction it unless it is authorised so to do by some special enactment for the time being applicable to the corporation, but shall refer the application for the orders of the Governor General in Council.

10. The Local Government shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the purposes for which it is raised. Every such work, and the accounts connected therewith shall be open at all times to the inspection of the Superintending or Executive Engineer in whose division the work is situate, and of any person who may be authorised to inspect the accounts of the Local Authority and of any other person specially authorised by the Local Government in this behalf.

11. The cost of any enquiry made under Rule 6, of advertisements published under Rule 8, of inspections made under Rule 10, and of any other proceedings by order of the Local Government or the Governor General in Council under these rules, shall be determined by the Local Government and shall be paid by the Local Authority.

12. The Local Authority shall give to the Accountant-General and the Local Government any information which they may require regarding the expenditure of the loan, and regarding its funds.

13. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise as may be directed by the Local Government, within the local limits of the area subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid to the lender and the accounts of moneys so collected and of the cost of collection shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.

[*See* Gazette of India, 1889, Pt. I, p. 15.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN MERCHANT SHIPPING ACT, 1880 (VII OF 1880).

Relief of distressed seamen or apprentices in Bengal.

No. 1574, dated the 25th June, 1886.—In exercise of the powers conferred by sections 58 and 67 of the [1]Indian Merchant Shipping Act, 1880, the Governor General in Council is pleased to make the following rules regarding the relief of distressed seamen or apprentices in Bengal :—

VII of 1880.

Relief of distressed seamen.

In these rules the term "distressed seamen" includes—

(*a*) all seamen and apprentices being native Indian subjects of Her Majesty who have been shipwrecked, discharged, or left behind at any place in British India, whether from any British ship employed in the merchant service, or from any of Her Majesty's ships, or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power, or to the subject of any foreign State, and who are in distress in any such place;

(*b*) all seamen and apprentices not being native Indian subjects who have been shipwrecked, discharged, or left behind at any place in British India from any British ship registered in British India, and who are in distress in any such place.

2. In taking charge of distressed seamen, the Local Authority will provide them with subsistence and clothing, as their necessities may require, but upon the most reasonable terms possible, and no more expensive clothing should be supplied to an officer than to a common seaman. Beds and bedding should not be supplied except under special circumstances, and the value of clothing should not exceed Rs. 10 for each person. In any case of unusual expense when the Local Authority considers it absolutely necessary to deviate from the foregoing rules, or to provide relief for a longer period than one month, a statement of the exceptional circumstances which necessitated the further outlay is to accompany his accounts when transmitted for audit. Money payments to the seamen themselves for purposes of relief must be avoided as far as practicable.

3. In all cases to which section 62 of the Act applies, a report should be submitted by the Local Authority to the Government, in order to admit of the seaman's wages (if any are due) and the expenses incurred in his behalf being recovered from the master or owner or other person liable under section 63 of the Act.

[1] General Acts, Edn. 1898, p. 304.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN MERCHANT SHIPPING ACT, 1880. (VII OF 1880)—*contd.*

Relief of distressed seamen or apprentices in Bengal—*contd.*

Conveyance home of distressed seamen.

4. Distressed seamen who are in receipt of relief are to be sent home by the earliest available opportunity, and British vessels requiring men to make up their complement should be preferred in order to admit of the seamen earning wages while being so sent; but if no such vessel can be found, and if there is no immediate prospect of any such vessel requiring men, they should be sent as supernumeraries on board the British vessels (whether registered in British India or not) that may be in the port at the time, and bound to their homes, or to ports near their homes, as the case may be; provided, however, that no ship be required to convey more than one supernumerary to every fifty tons of her registered tonnage. Distressed seamen who refuse to work, if able, for their passage home, cease to be entitled to further relief under these rules.

5. The Local Authority will endorse upon the agreement of the British ship, on board which distressed seamen are sent under section 56 or section 57 of the Act, the name of each man sent on board and the day on which he was sent on board. He will also, in the case of a distressed seaman sent on board under section 57, fill up, sign, and deliver to the master an order with certificate in Form A for the seaman's conveyance.

6. Whenever there are no British merchant vessels to which distressed seamen can be allotted, and the Local Authority thinks it desirable, in order to avoid expense, to engage a passage for them in foreign merchant vessels, he may do so on the best terms he can obtain. He should avoid, if practicable, making any payment beforehand for such passage, but should report the terms to the Government, and direct the master to apply for payment to the shipping master at the port to which the vessel is bound.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN MERCHANT SHIPPING ACT, 1880 (VII OF 1880)—*contd.*

Relief of distressed seamen or apprentices in Bengal—*contd.*

[For Form A., see over.]

NATIONAL ARCHIVES OF INDIA

A.

Form of Order for the conveyance of distressed seamen under Rule VII of

1	2	3	4	5	6	7
Date of embarkation.	The name of the person to be conveyed.	The status of the person to be conveyed, whether master, seaman, or apprentice.	The place at which the seaman was shipwrecked, discharged, or left behind.	The name, official number, and port of registry of the ship from which the seaman was shipwrecked, discharged, or left behind.	The cause of the seaman being left behind; in the case of sickness, it should be stated whether the sickness was the result of injury in the service of the ship; if the seaman was illegally left behind, the breach of law should be specified.	The province of which the seaman is a native, and his present home.

NATIONAL ARCHIVE OF INDIA

Acts of the Governor General in Council—*contd.*

ACT, 1880 (VII OF 1880)—*contd.*

apprentices in Bengal—*contd.*

5 of the Rules passed by Government under sections 58 and 67, Act 1880.

8	9	10	11	12	13	14
		If wages were received by the Local Authority.			If no wages were received by the Local Authority.	
The port at which he is to be landed.	Amount of subsistence provided under section 55.	The amount received.	The amount expended and chargeable to wages.	The amount, if any, remaining to credit.	The amount, if any, due.	By whom payable.
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.

No.

To

The Master of the ship.

Pursuant to the Indian Merchant Shipping Act, 1880, sections 56 and 57, you are hereby required to receive on board your vessel and convey to ————————, the seam n herein named.

For the subsistence of such as are supernumeraries over and above the number of the crew with which the vessel commenced her voyage, you will be paid at the rate of per man per diem on presentation of this order, and on your duly making declaration as per reverse. Dated at this day of 18 .

(Sd.)

Local authority.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN MERCHANT SHIPPING ACT, 1880 (VII OF 1880)—*contd.*

Relief of distressed seamen or apprentices in Bengal—*concld.*

Declaration to be made before the local authority at the port to which the seamen are ordered to be conveyed.

Particulars of ship in which the distressed seamen are conveyed.	Names of seamen received on board.	Date when subsistence on board commenced.	If landed, where; if not landed, cause to be stated.	Date when landed or disposed of.	Number of days during which subsistence was afforded.
Name					
Official No.					
Tonnage					
Number of crew on outward voyage ...					
Number of crew on homeward voyage ...					
		Total number of days ...			

I , master of the abovenamed ship, do solemnly and sincerely declare that the seam n above referred to w afforded subsistence by me for the period stated, during the whole of which time I had my full complement of men (excepting) exclusive of the aforesaid seam n, and that the above statements are correct.

Declared before me
this . day of 18 .

Signature of the Local Authority.

Master's signature.

Master's address.

[*See* Gazette of India, 1886, Pt. I, p. 391.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN MERCHANT SHIPPING ACT, 1880 (VII OF 1880)—*contd.*

Relief of distressed seamen and apprentices in Madras, Bombay and Burma.

No. 4255, dated the 23rd November, 1886.—In exercise of the powers conferred by sections 58 and 67 of the [1]Indian Merchant Shipping Act, 1880, the Governor General in Council is pleased to make the following rules regarding the relief of distressed seamen or apprentices in Madras, Bombay and Burma:—

Relief of distressed seamen.

In these rules the term "distressed seamen" includes—

(*a*) all seamen and apprentices being native Indian subjects of Her Majesty who have been shipwrecked, discharged, or left behind at any place in British India, whether from any British ship employed in the merchant service, or from any of Her Majesty's ships or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power, or to the subject of any foreign State, and who are in distress in any such place;

(*b*) all seamen and apprentices not being native Indian subjects who have been shipwrecked, discharged, or left behind at any place in British India from any British ship registered in British India, and who are in distress in any such place.

2. In taking charge of distressed seamen, the local authority will provide them with subsistence and clothing, as their necessities may require, but upon the most reasonable terms possible, and no more expensive clothing should be supplied to an officer than to a common seaman. Beds and bedding should not be supplied except under special circumstances, and the value of clothing should not exceed Rs. 10 for each person. In any case of unusual expense, when the local authority considers it absolutely necessary to deviate from the foregoing rules, or to provide relief for a longer period than one month, a statement of the exceptional circumstances which necessitated the further outlay is to accompany his accounts when transmitted for audit. Money payments to the seamen themselves for purposes of relief must be avoided as far as practicable.

3. In all cases to which section 62 of the Act applies, a report should be submitted by the local authority to the Government, in order to admit of the seaman's wages (if any are due) and the expenses incurred in his behalf being recovered from the master or owner or other person liable under section 63 of the Act.

[1] General Acts, Vol. III, Edn. 1898, p. 304.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN MERCHANT SHIPPING ACT, 1880 (VII OF 1880)—*contd.*

Relief of distressed seamen and apprentices in Madras, Bombay and Burma—*contd.*

Conveyance home of distressed seamen.

4. Distressed seamen who are in receipt of relief are to be sent home by the earliest available opportunity, and British vessels requiring men to make up their complement should be preferred in order to admit of the seamen earning wages while being so sent; but if no such vessel can be found, and if there is no immediate prospect of any such vessel requiring men, they should be sent as supernumeraries on board the British vessels (whether registered in British India or not) that may be in the port at the time, and bound to their homes, or to ports near their homes, as the case may be; provided, however, that no ship be required to convey more than one supernumerary to every fifty tons of her registered tonnage. Distressed seamen who refuse to work, if able, for their passage home, cease to be entitled to further relief under these rules.

5. The local authority will endorse upon the agreement of the British ship, on board which distressed seamen are sent under section 56 or section 57 of the Act, the name of each man sent on board, and the day on which he was sent on board. He will also, in the case of a distressed seaman sent on board under section 57, fill up, sign, and deliver to the master an order with certificate in form A, for the seaman's conveyance.

6. Whenever there are no British merchant vessels to which distressed seamen can be allotted, and the local authority thinks it desirable, in order to avoid expense, to engage a passage for them in foreign merchant vessels, he may do so on the best terms he can obtain. He should avoid, if practicable, making any payment beforehand for such passage, but should report the terms to the Government, and direct the master to apply for payment to the shipping master at the port to which the vessel is bound.

Forms.

(*Identical with those attached to Notification No. 1574, dated the 25th June, 1886*, supra, *pages 576 to 578.*)

[*See* Gazette of India, 1886, Pt. I, p. 710.]

Subsistence and passage of distressed seamen.

No. 1572, dated the 25th June, 1886.—Under the provisions of section 61 of Act VII of 1880, the Governor General in Council is pleased to fix the following rates of payment for the subsistence and passage of distressed seamen and apprentices who are sent on board

NATIONAL ARCHIVES OF INDIA

THE INDIAN MERCHANT SHIPPING ACT, 1880 (VII OF 1880)—*concld.*

Subsistence and passage of distressed seamen—*concld.*

a British ship under section 57 of the said Act, and are in excess of the number wanted to make up the complement of the crew:—

(*a*) In the case of lascars—for each man, six annas daily if the ship is a sailing vessel, and twelve annas daily if she is a steam-ship.

(*b*) In the case of Europeans and other seamen who live as Europeans—for each man, not being a master, one shilling and six pence daily, and for a master two shillings daily, if the ship is a sailing vessel; and for each man, including a master, three shillings daily if the ship is a steam-ship.

[*See* Gazette of India, 1886, Pt. I, p. 391.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE MUNICIPAL TAXATION ACT, 1881 (XI OF 1881).

Exemption of persons in Military employ from certain Municipal taxes.

No. 162, dated the 18th November, 1881.—In exercise of the powers conferred by section 3 of Act XI of 1881 [1](The Municipal Taxation Act, 1881), the Governor General in Council is pleased to prohibit the levy by any Municipal Committee upon the persons described below of taxes of the following kinds :—

Persons exempted.

All persons exclusively in military employ, or belonging to any department directly attached to the Army or to the Public Works Department, Military Branch, being persons subject to the Army Discipline and Regulation Act, 1879, or to the Indian Articles of War, and compelled by the exigencies of military duty to reside within the limits of a Municipality.

Taxes from the operation of which exemption is granted.

(1) Municipal taxes on salaries.

(2) Municipal taxes on professions, trades, callings, offices or appointments.

(3) Municipal taxes on horses, mules, or ponies kept for military duty.

(4) Municipal tolls leviable on any ferry or road in respect of animals or vehicles kept or used for military duty.

(NOTE.—To supersede the order issued in the Home Department, No. 1—38—52 dated the 24th April, 1880.)

[*See* Gazette of India, 1881, Pt. I, p. 1295.]

[1] General Acts, Vol. III, Edn. 1893, p. 378.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN FACTORIES ACT, 1881 (XV OF 1881).

Surgeons' fees for certificates to candidates for employment in factories.

No. 122-F., dated the 27th January, 1892.—In exercise of the power conferred by section 5 of the [1]Indian Factories Act (XV of 1881), as amended by Act XI of 1891, the Governor General in Council is pleased to prescribe a fee of 4 annas as the fee payable to a certifying Surgeon by a person employed or desirous of being employed in a Factory for examining him and granting him a certificate in accordance with the provisions of that section.

[*See* Gazette of India, 1892, Pt. I, p. 67.]

Exemption of pottery kilns from section 5-A of the Act.

No. 1420-F., dated the 23rd November, 1893.— In exercise of the power conferred by sub-section (2) of section 5-A of the [1]Indian Factories Act (XV of 1881), as amended by Act XI of 1891, the Governor General in Council is pleased to declare that the provisions of that section shall not apply to kilns connected with potteries.

[*See* Gazette of India, 1893, Pt. I, p. 663.]

Exemption of the Calcutta and Bombay Mints from section 5-A of the Act.

No. 1735, dated the 31st December, 1892.—In exercise of the power conferred by sub-section (2) of section 5-A of the [1]Indian Factories Act, 1881, as amended by Act XI of 1891, the Governor General in Council is pleased to declare that the provisions of sub-section (1) of the same section shall not apply to the Calcutta and Bombay Mints.

[*See* Gazette of India, 1892, Pt. I, p. 17.]

Returns of operatives employed in factories.

No. 1126-F., dated the 25th June, 1903.—In exercise of the powers conferred by sub-section (2) of section 18 of the [1]Indian Factories Act, 1881 (XV of 1881), (as amended by Act XI of 1891), and in

[1] General Acts, Vol. III, Edn. 1898, p 381

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN FACTORIES ACT 1881 (XV OF 1881)—*contd.*

Returns of operatives employed in factories—*contd.*

supersession of the rule published in the Home Department Notification No. 428, dated the 25th March, 1892, the Governor General in Council has been pleased to make the following rule :—

Every occupier of a factory shall furnish to the Magistrate of the district or, if the factory is situate within the limits of a Presidency-town, to the Special Inspector of Factories or other officer designated in this behalf by the Local Government, the undermentioned erturns :—

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN FACTORIES ACT, 1881 (XV OF 1881)—*contd.*

Returns of operatives employed in factories—*contd.*

I.—On or before the 15th January of each year, an annual return in the following form :—

Name and situation of factory.	Name of owner or occupier.	Name of manager.	Nature of industry.	Nature and amount of moving power.	Average daily number of operatives employed.				Whether the factory is worked by shifts or stoppages and, in the latter case, the hour and extent of daily stoppage.	Whether there is a general holiday on Sunday or on varying week days, or whether the factory has been exempted from the rule as to Sunday labour under section 5-B (1), clause (c) of the Act.	Remarks.
					Adults.		*Children.*				
					Male.	Female.	Male.	Female.			

N.B.—The average daily number of children is to be taken from the register of children kept in the factory.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN FACTORIES ACT, 1881 (XV OF 1881)—*concld.*

Returns of operatives employed in factories—*concld.*

II.—A return, in the following form, regarding measurements and space :—

Name and situation of factory.	Name of occupier.	Measurements and cubical contents of each room in the factory.	Area of the floor-space of any room shown in the preceding column occupied by machinery or other fixtures.	REMARKS.

This return shall be submitted for every factory when it is first registered under the Act, and thereafter, whenever any alteration is made in the factory which affects the measurements and cubical contents of any room or the area of the floor-space, in any room occupied by machinery or other fixtures.

III.—Before the end of each calendar month, a return giving notice of all the days on which the factory will be closed during the ensuing month. This return must be submitted whether the factory is or is not working during the calendar month preceding the one to which the return relates. [1][If subsequently the occupier has occasion to make any alterations in the days so notified, he shall give notice of such alteration to the Inspector of Factories or other officer designated in this behalf, not less than 24 hours previous to the day originally notified as a holiday, or to the date he proposed to substitute therefor, whichever is earlier.]

[*See* Gazette of India, 1903, Pt. I, p. 532.]

[1] Inserted by Notification No. 1892, dated 7th March, 1906, *see* Gazette of India, 1906, Pt. I, p. 167.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE PORTUGUESE CONVENTION ACT, 1881 (XVII OF 1881).

Coins coined under the Portuguese Convention.

[1]No. 791, dated the 25th May, 1881.—*His Excellency the Governor General in Council is pleased to republish for general information the following extract article six of a Convention, dated 12th April, 1880, between their Excellencies the Governors General of British India and Portuguese India, which has acquired the force of law within British India by Act XVII of 1881:—*

"*All silver and copper Portuguese coins coined under the provisions of this Convention shall, while this Convention remains in force, be legal tender in payment or on account throughout British India to the same extent, and subject to the same exceptions in the case of coin which has been called in, or is under weight, or has been clipped, filed or defaced, as in the case of the corresponding silver and copper coins issued by the authority of the Government of British India for the time being in British India.*"

"*All silver and copper coin which has been issued by the authority of the Government of British India shall, to the same extent and subject to the same exceptions, be a legal tender in payment or on account throughout Portuguese India.*"

All Treasury and other Officers of Government are directed to treat the new Portuguese coins as legal tender accordingly.

[*See* Gazette of India, 1881, Pt. I, p. 214.]

[1] The Convention has expired, and the Act (XVII of 1881) has been repealed.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881).

Rules relating to Notaries Public.

No. 1433, dated the 30th September, 1886.—In exercise of the power conferred by section 139 of Act XXVI of 1881, [1]The Negotiable Instruments Act, 1881 (as amended by Act II of 1885), the Governor General in Council is pleased to make the following Rules for the guidance and control of Notaries Public appointed under that Act, and fixing the fees payable to those Notaries :—

1. Notaries Public shall, in transacting business under the Act, use the forms set forth in the Appendix to this Notification.

2. Besides recording declarations of payment for honour (section 113), Notaries Public shall, following the practice existing in the Presidency-towns, also register notings and protests made by them. No particular form of register is necessary for these purposes, but Notaries Public shall keep a substantial blank book in which to enter copies of all the letters which they may write presenting bills for acceptance or payment or better security; of all bills* noted, or protested, or paid for honour, together with all endorsements thereon (including that made by themselves, to the effect that the bill has been noted or protested for non-acceptance or non-payment or want of better security); and of all protests made by themselves and of all declarations made by payers for honour. Notaries Public shall further, after examination of each entry in the book, affix their signature thereto, and, where demand of acceptance or payment or better security was made by a clerk, shall cause him to affix his signature also to the entry relating to the demand.

3. The book shall be known as the Notarial Register, and the pages thereof shall be numbered consecutively.

4. Every Notary Public shall permit the District Judge or such officer as the Local Government from time to time appoints in this behalf to inspect his register at such times, not oftener than twice a year, as the District Judge or officer may fix.

5. When the original instrument is in an Oriental language, any noting or protest or entry in his register which has to be made, in respect of the instrument, by a Notary Public may be made either in that language or in English.

[1] General Acts, Vol. III, Edn. 1898, p. 399.

* In cases where the language of the bill is unknown to the Notary Public, and where it is impossible to find any one acquainted with the language of the bill to copy it into the register, an entry in the register of an abstract of the bill will be sufficient.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

6. In making presentments of bills or notes, Notaries Public shall observe the provisions of Chapter V of the Act :

Provided that it shall not be necessary for a Notary Public to allow the drawee of a bill of exchange time for deliberation as provided by section 63.

7. Every Notary Public shall use a plain circular seal, bearing, if he has been appointed by name, his name and the name of the local area within which he has been appointed to exercise his functions and the circumscription "Notary Public," and, if he has been appointed by virtue of his office, the name of his office and of the local area within which he has been appointed to exercise his functions and the circumscription "Notary Public."

8. Every Notary Public shall have an office at such place within the local area for which he has been appointed as may be approved in this behalf by the District Judge.

9. Notaries Public shall charge fees at the rates mentioned below, namely :—

(1) For noting an instrument—

					Rs.	Rs.
If the amount of the instrument does not exceed				...	1,000	2
If it exceeds	Rs.	1,000	but does not exceed	...	5,000	3
Do.	,,	5,000	do.	...	20,000	5
Do.	,,	20,000	do.	...	30,000	6
Do.	,,	30,000	do.	...	50,000	7
Do.	,,	50,000	do.	...	...	8

(2) For protesting an instrument—

					Rs.	Rs.
If the amount of the instrument does not exceed				...	1,000	6
If it exceeds	Rs.	1,000	but does not exceed	...	5,000	7
Do.	,,	5,000	do.	...	20,000	10
Do.	,,	20,000	do.	...	30,000	11
Do.	,,	30,000	do.	...	40,000	12
Do.	,,	40,000	do.	...	50,000	13
Do.	,,	50,000	do.	...	60,000	14
Do.	,,	60,000	do.	...	70,000	15
Do.	,,	70,000	do.	...	80,000	16
Do.	,,	80,000	do.	...	90,000	17
Do.	,,	90,000	do.	...	1,00,000	18
Do.	,,	1,00,000	do.	...	...	22

(3) For recording a declaration of payment for honour 2-8

(4) Duplicate protests,—half the charge for the original.

NOTE.—In addition to the above fees, travelling allowance, at the rate of three annas a mile by rail and eight annas a mile by road, may be charged when the Notary Public is required to attend at any place more than one mile from his office.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

10. These rules shall come into force on the first day of January, 1887.

APPENDIX.

I.

Form of Noting.

(*See* Section 99.)

(*To be made upon the instrument or upon a paper attached thereto, or partly upon each.*)

Reference to page in Notarial Register.

Date of presentment and dishonour.

Reason, if any, assigned for dishonour (or, if the instrument has not been expressly dishonoured, reason why holder treats it as dishonoured).

Date of Note.

(Sd.) A. B.,

Notary's Charges. Notary Public.

II.

Form of Protest of Bill of Exchange for non-acceptance.

(*See* Section 101.)

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of did, at (*in person*) (*by my clerk*) (*by registered letter*), cause due and customary presentment to be made to, and did demand acceptance of, the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") from E. F., the person upon whom the said bill is drawn, to which demand he made answer (*state terms of answer, if any*) (or "to which demand he gave no answer"); wherefore I, the said Notary, at the request aforesaid by this writing, do, in the

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

presence of M. N. and O. P., witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest.
(Sd.) A. B.,
Notary Public.

M. N. } Witnesses.
O. P. }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, and of the person for whom, and the manner in which, such acceptance was offered and effected.

III.

Form of Protest of Bill of Exchange for non-acceptance when the Drawee cannot be found.

(*See* Section 101.)

(*a*) *Where search was made by Notary Public in person or by his clerk.*

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of , did (*in person*) (*by my clerk*), make due search at for E. F. in order to present to, and demand from, him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") which is drawn upon the said E. F., but was unable to find him; wherefore I, the said Notary, at the request aforesaid by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of acceptance of the said bill.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

(*b*) *Where registered letter was sent to the drawee.*

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of , did send by post a registered letter addressed to E. F. at , wherein I enclosed and demanded from him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") which is drawn upon the said E. F., but the letter was returned undelivered, because the said E. F. could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the drawer of the said bill of exchange and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest.

(Sd.) A. B.,
Notary Public.

M. N. }
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, and of the person for whom, and the manner in which, such acceptance was offered and effected.

IV.

Form of Protests of Promissory Note or Bill of Exchange for non-payment.

(*See* Section 101.)

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of did cause due and customary presentment to be made at (*in person*) (*by my clerk*) (*by registered letter*) to and did demand payment of the promissory note (or bill of exchange, *as the case may be*) hereto annexed (or "a literal transcript whereof, and of everything written or printed thereupon is hereto annexed") from E. F., the maker of the said promissory note (*or* drawee, *or* acceptor, of the said

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

bill of exchange, *as the case may be*), to which demand he made answer (*state the terms of his answer, if any*) (or "to which demand he gave no answer"); wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the maker of the said promissory note (*or* the drawer of the said bill of exchange, *as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*).

Which I attest,

(Sd.) A. B.,
Notary Public.

M. N.
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom, and of the person for whom, and the manner in which, such payment was offered and effected.

V.

Protest of Promissory Note or Bill of Exchange for non-payment when the Maker, Drawee, or Acceptor (as the case may be) cannot be found.

(*See* Section 101.)

(*a*) *Where search was made by Notary Public in person or by his clerk.*

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of did (*in person*) (*by my clerk*) make due search at for E. F., the maker (*or* drawee, *or* acceptor, *as the case may be*) in order to present to and demand from him payment of the promissory note (*or* "bill of exchange," *as the case may be*) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), but was unable to find him; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the

NATIONAL ARCHIVES OF INDIA

maker of the said promissory note (*or* drawer of the said bill of exchange *as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*).

(*b*) *Where registered letter was sent to the maker, drawee or acceptor.*

On the day 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of , did send by post a registered letter addressed to E. F. at , the maker (*or* drawee, *or* acceptor, *as the case may be*), wherein I enclosed and demanded from him payment of the promissory note (*or* "bill of exchange," *as the case may be*) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), but the letter was returned undelivered because the said E. F. could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the maker of the said promissory note (*or* the drawer of the said bill of exchange, *as the case may be*) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of payment of the said promissory note (*or* bill of exchange, *as the case may be*).

Which I attest,

(Sd.) A. B.,

Notary Public.

M. N. } Witnesses.
O. P. }

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom, and of the person for whom, and the manner in which, such payment was offered and effected.

VI.

Form of Protest of Bill of Exchange for better Security.

(*See* Section 101.)

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of ,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

did exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") to E. F., the person on whom the said bill is drawn, and whose acceptance appears thereon, and did demand better security for the payment thereof when the same should become payable in consequence of the said E. F. having become insolvent (or "his credit having been publicly impeached," *as the case may be*), to which demand he made answer (*or* "to which demand he gave no answer"); wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest,
(Sd.) A. B.,
Notary Public.

M. N.
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, and of the person for whom, and the manner in which, such acceptance was offered and effected.

VII.

Form of Protest of Bill of Exchange for better Security when the Acceptor cannot be found.

(*See* Section 101.)

(*a*) *Where such was made by Notary Public in person or by his clerk.*

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of did (*in person*) (*by my clerk*) make due search at E. F., in order to exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") to the said E. F., the person on whom the said bill is drawn, and whose acceptance appears thereon, and demand better security for the payment thereof when the same should become

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

payable in consequence of his having become insolvent (or "his credit having been publicly impeached," *as the case may be*), but was unable to find him; wherefore I, the said Notary, at the request aforesaid, by this writing, do in the presence of M. N. and O. P., witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

(*b*) *Where registered letter was sent to the acceptor.*

On the day of 18 , I, A. B., a Notary Public appointed under the Negotiable Instruments Act, 1881, of in (*here state the local area for which the Notary Public has been appointed*) in British India, at the request of C. D. of , did send by post a registered letter addressed to E. F. at , wherein I enclosed the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), and did by such letter demand from the said E. F., the person on whom the said bill is drawn and whose acceptance appears thereon, better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached," *as the case may be*), but the said letter was returned undelivered because the said E. F. could not be found; wherefore I, the said Notary, at the request aforesaid, by this writing, do, in the presence of M. N. and O. P., witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest,
(Sd.) A. B.,
Notary Public.

M. N.
O. P. } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, and of the person for whom, and the manner in which, such acceptance was offered and effected.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*contd.*

Rules relating to Notaries Public—*contd.*

VIII.

Form of Notice of Protest to Drawer to be given by a Notary Public.

(*See* Section 102.)

Take notice that a bill of exchange for (*here state the amount*) drawn by you under date the on and payable at has been dishonoured by non-acceptance (*or* non-payment, *as the case may be*) and protested, and that you will be held liable thereon.

(Sd.) A. B.,
Notary Public

IX.

Form of Notice of Protest to Indorser to be given by a Notary Public.

(*See* Section 102.)

Take Notice that a bill of exchange for (*here state the amount*) drawn by under date the on and payable at and bearing your indorsement has been dishonoured by non-acceptance (*or* non-payment, *as the case may be*) and protested, and that you will be held liable thereon.

(Sd.) A. B.,
Notary Public.

X.

Form of Notarial Act of Declaration having been made by a Payer for Honour.

(*See* Section 113.)

On the day of 18 , I, A.B., a Notary Public appointed under the Indian Negotiable Instruments Act, 1881, of , in (*here state the local area for which the Notary Public has been appointed*) in British India, do hereby certify that the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE NEGOTIABLE INSTRUMENTS ACT, 1881 (XXVI OF 1881)—*concld.*

Rules relating to Notaries Public—*concld.*

thereupon is hereto annexed") (now protested for non-payment) was this day exhibited to Y. Z. of
in the $\frac{\text{Presidency}}{\text{Province}}$ of
in British India (*or* to his agent in this behalf, *as the case may be*), who declared before me that he, the said Y. Z., would pay the amount of the said bill under protest for the honour of (*here insert the name of the party for whose honour the payment is to be made*), holding the said (*here insert the name of the party for whose honour the payment is to be made*) and the drawer and all other proper persons responsible to him, the said Y. Z., for the amount of the said bill and for all proper costs, interest, damages, and expenses; I have, therefore, in the presence of M. N. and O. P., witnesses, granted this Notarial Act of honour accordingly.

Which I attest,

(Sd.) A. B.,
Notary Public.

M. N.
O. P. } Witnesses.

[*See* Gazette of India, 1886, Pt. I, p. 548.]

NATIONAL ARCHIVES OF INDIA

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN COMPANIES ACT, 1882 (VI OF 1882).

Fee for registration of Associations not for profit.

No. 3991-S.R., dated the 20th July, 1888.—The Governor General in Council is pleased to direct that the fee to be paid under VI of 1882. section 40 of the [1]Indian Companies Act, 1882, and Table C. in the first Schedule to that Act, for the registration of an association not for profit as a company with limited liability under section 26 of the said Act, shall, when the number of members is stated in the articles of association to exceed twenty or to be unlimited, be fifty rupees.

[*See* Gazette of India, 1888, Pt. I, p. 341.]

[1] General Acts, Vol. IV, Edn. 1898, p. 100.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)

Investiture of Revenue Commissioner, North-West Frontier Province, with the powers and duties of a Commissioner of Division.

No. 5660-S.R., dated the 9th November, 1901.—In exercise of the power conferred by section 4 of the [1]Indian Salt Act, 1882 (XII of 1882), the Governor General in Council is pleased to appoint the Revenue Commissioner of the North-West Frontier Province to exercise and perform the powers and duties conferred and imposed by the said Act on a Commissioner of a Division.

[*See* Gazette of India, 1901, Pt. I, p. 950.]

Duty on salt manufactured or imported into British India.

No. 1727-Exc., dated the 22nd March, 1905.—In exercise of the powers conferred by section 7 of the [1]Indian Salt Act, 1882 (XII of 1882), and in supersession of the Notifications by the Government of India in the Finance and Commerce Department, No. 1542-S.R., dated the 18th March, 1903, No. 2219-S.R., dated the 24th April, 1903, and No. 545-Exc., dated the 25th January, 1905, the Governor General in Council is pleased to direct that, on and after the 22nd March, 1905, the duty to be paid on salt manufactured in, or imported by land into, British India shall be as follows :—

(*a*) in the case of salt manufactured in, or imported by land into, Burma (except the Shan States), one rupee for each maund of 82$\frac{2}{7}$ pounds, avoirdupois ;

(*b*) in the case of salt manufactured in Aden, one rupee for each 140 pounds, avoirdupois; and

(*c*) in the case of salt manufactured in any part of British India other than Burma or Aden, or in the case of salt (other than salt manufactured at the Salt Sources of Sambhar, Didwana or Pachbadra in the Rajputana Agency, on which a duty has been imposed by [2]Notification No. 1728-Exc. of this date) imported by land into any part of British India other than Burma, one rupee eight annas for each maund of 82$\frac{2}{7}$ pounds, avoirdupois.

II. The foregoing orders shall not affect the orders contained in any Notification of the Government of India not hereinbefore expressly mentioned.

[*See* Gazette of India, 1905, Pt. I, p. 231.]

[1] General Acts, Vol. IV, Edn. 1898, p. 221.

[2] Gazette of India, 1905, Pt. I, p. 232.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Remitting duty payable on certain salt.

No. 2112-S.R., dated the 20th April, 1903.—In exercise of the power conferred by section 7, clause (*b*), of the Indian Salt Act, 1882 (XII of 1882), and in supersession of the Notification of the Government of India in the Department of Finance and Commerce, No. 1724, dated the 21st April, 1893, the Governor General in Council is pleased to remit the duty imposed by Notification [1]No. 1542, dated the 18th March, 1903, on salt manufactured in, or imported by land into, British India, in cases in which any such salt is issued, in accordance with rules made with the previous sanction of the Governor General in Council, for use in any process of manufacture.

[*See* Gazette of India, 1903, Pt. I, p. 289.]

Remission of duty on wasted salt when exported in square-rigged vessels from the Bombay Presidency to certain ports in British India.

No. 3164-Exc., dated the 1st June, 1905.—In exercise of the powers conferred by section 7, clause (*b*), of the Indian Salt Act, 1882 (XII of 1882), the Governor General in Council is pleased to remit, subject to any rules which the Governor of Bombay in Council may make in this behalf, the duty in respect of the actual amount of salt wasted, up to a maximum of 5 *per cent.*, which is imposed under clause (*a*) of the said section on salt manufactured in the Presidency of Bombay when such salt is exported by sea in square-rigged sailing vessels or steamers to the ports of Calcutta, Madras, Mangalore, Cochin, Ponani, Beypur, Calicut, Badajara, Tellicherry and Cannanore in British India.

[*See* Gazette of India, 1905, Pt. I, p. 371.]

Remission of duty on salt exported from Madras to certain places beyond British India.

No. 4351-S.R., dated the 16th August, 1901.—In exercise of the powers conferred by section 7, clause (*b*), of the Indian Salt Act, 1882 (XII of 1882), the Governor General in Council is pleased to remit the duty imposed under clause (*a*) of the said section on salt manufactured in the Province of Madras, where such salt is exported, in accordance with such rules as the Governor in Council may make in this behalf, to the Straits Settlements, Mauritius or Zanzibar.

[*See* Gazette of India, 1901, Pt. I, p. 608.]

[1] *See* now Notification No. 1727-Exc., dated the 22nd March, 1905, by which this Notification was superseded, *supra*, page 600.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Remission of duty on salt exported from Madras to Travancore.

No. 4352-S.R., dated the 16th August, 1901.—In exercise of the powers conferred by section 7, clause (*b*), of the Indian Salt Act, 1882 (XII of 1882), the Governor General in Council is pleased to remit the duty imposed under clause (*a*) of the said section on salt manufactured in the Province of Madras, where such salt is exported by land in accordance with such rules as the Governor in Council may make in this behalf, to the State of Travancore.

[*See* Gazette of India, 1901, Pt. I, p. 608.]

Prohibition as to the transit of salt under certain conditions on or across the Indus.

No. 1316-S.R., dated the 17th March, 1898.—The following rules made by the Governor General in Council, in exercise of the powers conferred by section 27 of the Indian Salt Act, 1882, are published under section 29 of the said Act, in modification of rule 36 of the rules published under Notification No. 1892,[1] dated 27th June, 1884, and of Notification No. 3154, dated 21st June, 1889, and in supersession of Notification No. 1452, dated 8th April, 1891 :— XII of 1882.

Rule 1.—The transit of salt from the right to the left bank of the river Indus in any quantity exceeding five seers, except such salt as is the produce of the Kalabagh mines, is prohibited.

Rule 2.—The transit of salt in any quantity exceeding five seers on that part of the river Indus which lies within the territories administered by the Lieutenant-Governor of the Punjab, except when covered by a pass signed by an officer of the Northern India Salt Department of rank not lower than that of a Superintendent, certifying that duty has been paid on the salt covered by the pass at the rate for the time being in force in the Cis-Indus districts of the Punjab, is prohibited.

Rule 3.—The importation into, or the transit over, any part of that portion of the territories administered by the Lieutenant-Governor of the Punjab which lies east of the river Indus, of salt produced in the district of Kohat in the Punjab in any quantity exceeding five seers, is prohibited.

[*See* Gazette of India, 1898, Pt. I, p. 275.]

Rules for transmission by Railway of salt from Sambhar, Pachbadra and Khewra.

No. 3883, dated the 26th July, 1889.—In exercise of the power conferred by section 28 of the Indian Salt Act (XII of 1882), and in

[1] *Infra*, p. 604.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for transmission by Railway of salt from Sambhar, Pachbadra and Khewra—*contd.*

supersession of the Notification in the Department of Revenue, Agriculture, and Commerce, No. 257, dated the 6th October, 1876, the Governor General in Council is pleased to make the following Rules for regulating the receipt from the public and the acceptance by the Assistant Commissioners of Salt Revenue at Sambhar, Pachbadra, and Khewra of indents for the supply of salt, and its transmission by rail to the station named by the applicant:

Rules.

I.—The salt will be issued as uniform in quality as possible; but no selection will be allowed.

II.—The applicant for salt shall either remit to the Assistant Commissioner in currency notes or by money order, or, if he prefers it, pay into any authorised Treasury or Sub-Treasury, the duty payable on the salt he requires together with its price, the price including the cost of the salt and loading and all other charges. The duty and price shall be those payable at the rates respectively fixed and in force on the day when the remittance is received by the Assistant Commissioner, or payment is made at a Treasury or Sub-Treasury.

III.—When payment is made into a Treasury or Sub-Treasury, the officer receiving the money will give the person tendering it a receipt, and will by the same day's post despatch the advice of the receipt to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied.

IV.—Persons indenting for salt must transmit the Treasury receipt or currency notes or money order by post with the indent (forms of which are issued free of charge) in a registered cover to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied. Full particulars as to the destination of the salt and the person to whom it is to be consigned should be given, and the Assistant Commissioner, after comparing the Treasury receipt with the advice from the receiving officer, or, in the case of a remittance, crediting the sum remitted, will as soon as possible cause the salt to be despatched, *freight unpaid*, to the consignee, sending him the railway receipt by post.

[1] IV-A.—The charges specified in Rule II, [2][together with a fee of two annas per hundred rupees upon the amount thereof (subject

[1] Para. IV-A. was added by Notification No. 1308-S. R., dated the 28th March, 1890, *see* Gazette of India, 1890, Pt. I, p. 211.

[2] The words in square brackets were substituted by Notification No. 3689-S. R., dated the 19th June, 1903, *see* Gazette of India, 1903, Pt. I, p. 522.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for transmission by Railway of salt from Sambhar, Pachbadra and Khewra—*concld.*

to a minimum fee of ten annas in respect of each indent)] may be paid and the indent required by Rule IV may be delivered to the Postmaster at any Post Office which has been specially authorized by the Director-General of the Post Office of India to receive payments on account of salt revenue. When payment is made into a Post Office under this rule, the Postmaster will himself transmit the indent to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied, advising him at the same time of receipt of the sum paid by the applicant for the salt.

The charges hereinbefore in this rule mentioned will be the duty and price at the rates respectively fixed and in force on the day when payment is made to the Postmaster.

V.—The salt indented for will be weighed, filled into bags, and loaded into the railway wagons without any further charges than those specified in Rule II.

VI.—Persons indenting for salt must provide bags in sufficient number, and must see (1) that the bags are legibly and accurately marked and consigned to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied, to whom also the railway receipt for the bags should be posted; (2) that all charges are fully paid on the bags; and (3) that they are sufficiently strong to hold the salt during the journey. When these conditions are not complied with, the Assistant Commissioner of Salt Revenue is empowered to refuse to fill the salt into the bags sent.

VII.—The consignee will receive delivery of the consignment from the railway in the usual manner on payment of the railway freight and charges. It must be distinctly understood that the Government is responsible only for the due delivery of the salt to the railway, and that the railway receipt is a sufficient release to the Government for the quantity of salt consigned.

[*See* Gazette of India, 1889, Pt. I, p. 422.]

Rules for the manufacture of salt under license.

No. 1892, dated the 27th June, 1884.—The following Rules made by the Governor General in Council, in exercise of the powers conferred by the Indian Salt Act, 1882, are published under section 29 of the said Act, in supersession of those published with Notifications No. 156, dated 30th June, 1876, No. 1897, dated 25th July, 1879, No. 111, dated 17th April, 1880, No. 3755, dated 20th November, 1880, and No. 1245, dated 19th March, 1881. XII of 1882.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

Preliminary.

1. These rules are applicable to the territories mentioned in the third clause of section 1 of the Act, with the following exceptions:—

(*a*) Such portion of the said territories as lies on the right bank of the Indus with the exception of the Kalabagh mines and an area of 10 miles round them.

(*b*) The Province of Sindh.

Manufacture of salt under license.

2. No person who is not duly licensed in the manner hereinafter provided shall manufacture salt.

3. Any person wishing to manufacture salt shall apply for a license to the Salt Revenue Officer in charge of the division or circle in which it is desired to carry on the manufacture, who, subject to the general control of the Commissioner of Northern India Salt Revenue, shall grant or withhold it as he shall see fit.

4. Each such license shall contain the name of the person to whom it is given, and shall specify the limits within which such manufacture shall be carried on and the places where the salt so manufactured shall be stored, and shall be subject to the following conditions:—

1st.—That the provisions of the Act and of all rules and subsidiary rules duly made under it shall be strictly observed by the licensee, his agents and servants.

2nd.—That none but good salt capable in the judgment of the Salt Revenue Officer in charge of the division or circle of bearing the duty fixed from time to time by the Governor General in Council under section 7 of the Act shall be manufactured. All inferior salt shall be destroyed by being thrown back into the salt wells or pans in the presence of such officer.

3rd.—That no alteration shall be made in the pans, wells or other plant of the salt-work as existing at the date of granting the license without written sanction from the Salt Revenue Officer in charge of the division or circle.

And shall be subject to such further conditions as the Commissioner may from time to time prescribe for the protection of the Government revenue.

5. The manufacture of salt and the storage and sale of the salt manufactured shall be carried on in conformity with the conditions of

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

the license and of the subsidiary rules issued from time to time by the Commissioner and under the supervision of the officers of the Salt Revenue Department.

6. Licenses may be cancelled by the Salt Revenue Officer in charge of the division or circle giving one month's notice, or on the application of the licensee.

In the case of cancelment of license for infringement of its conditions no notice shall be necessary.

7. Salt in store at any salt-work, a license to manufacture salt at which has been cancelled or withholden, shall be removed within six months of the date of such cancelment or withholding. The Assistant Commissioner may cause any salt which may remain in store at such salt-work after the expiry of such period of six months to be put up to auction and sold if the price offered be equal to the excise duty leviable thereon. If the price bid be less than the excise duty leviable thereon, the Assistant Commissioner may cause the salt to be effectually destroyed.

8. Nothing in the foregoing rules shall apply to the manufacture of salt by or on behalf of Government.

Protected areas, and possession, storage and sale of salt within them.

9. The area defined for the purposes of section 6, clause (*e*), of the Act, round each salt mine or salt-bed in the Punjab Mines Division shall extend to a distance of 10 miles from the boundary of each mine or bed on all sides, except that it shall not include any territory lying on the left bank of the river Jhelum.

The area defined for the purpose of section 6, clause (*e*), round any other salt-work shall extend to a distance of two miles from the boundary of the salt-work on all sides.

The areas above defined are termed "protected areas."

10. No person shall possess any salt within a protected area unless accompanied by a pass, *rawannah* or certificate covering the same as provided in the following rules. This rule does not apply to the possession, on the right bank of the Indus, of grey salt, the produce of the Kohat and Bannu districts.

11. No salt shall be removed from the place of manufacture, or, after storage, from the place of storage, to any place in the salt-works in which it has been manufactured except under a written pass from the

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

Salt Revenue Officer in charge of the works, and all salt removed under such pass shall be weighed or estimated by measurement previous to such removal by the Salt Revenue establishments.

12. No salt shall be removed from the salt-works unless covered by a *rawannah* certifying that the duty at the rate fixed from time to time by the Governor General in Council under section 7 of the Act has been paid on it or under the authority in writing of the Salt Revenue Officer in charge.

[1] 13. (*1*) Except as otherwise provided in these rules or in the rules published with Notification No. 547-Exc., dated the 25th January, 1905, any person wishing to remove salt from the salt-works shall first pay the charges due thereon into such Government treasury or sub-treasury as may from time to time be appointed in this behalf, and shall in return be granted a receipt. Fractions of quarter maunds shall be paid for as quarter maunds.

(*2*) The charges referred to in sub-rule (*1*) are the duty and price at the rates respectively fixed and in force on the day when payment is made into the treasury or sub-treasury.

14. He shall present the receipt with a written requisition to the officer appointed by the Commissioner to receive it, and shall receive in lieu a *rawannah* for the salt, signed by the said officer and sealed in his presence.

15. The *rawannah* shall be current and valid for such period as the Commissioner may from time to time prescribe.

The period of currency shall count from the day on which the *rawannah* is delivered to the applicant, that day being included and being noted on the face of the *rawannah*.

16. Provided that when a *rawannah* is presented and the salt it covers is weighed and clearance given to the holder of the *rawannah* by the Inspector or Assistant Inspector more than seven days previous. to the expiry of the period of the currency of the *rawannah*, such *rawannah* shall cease to be valid on the expiry of seven days from the date on which the salt has been weighed, unless the officer of the store by an order endorsed on it allows it to run for its full period or any portion thereof.

17. After the period of currency of a *rawannah* has elapsed, the *rawannah* shall cease to be valid, or of any effect whatever, unless the period be extended in the manner hereinafter provided.

[1] Rule 13 was substituted by Notification No. 541-Exc., dated the 25th January, 1905, *see* Gazette of India, 1505, Pt. I, p. 47.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

18. The Commissioner may from time to time fix the minimum quantity of salt to be covered by a single *rawannah*.

19. The Commissioner may sanction an abatement for dryage of the salt not exceeding one per cent.

20. On a *rawannah* being presented and salt being issued thereunder, the Salt Revenue Officer concerned, before allowing such salt to leave his charge, shall ascertain that such *rawannah* is still in force and valid, and shall satisfy himself that the *rawannah* covers the amount of salt being issued, and shall then endorse the *rawannah* and return it to the trader or his agent, or to the carrier of the salt. The salt shall then be allowed to proceed to its destination.

21. When salt has been weighed and delivered to the holder of a *rawannah* he shall remove it within 24 hours to a distance of at least one mile from the store, unless the officer in charge of the store, by an order endorsed on the *rawannah*, permits him to keep it within a shorter distance.

22. If previous to utilisation of a *rawannah* any minor particulars in it require rectification, such as the description of carriage, owner's name, etc., application must be made for such rectification to the officer in charge of the depôt or store before delivery of the salt is applied for.

23. If the despatch differs in minor particulars which have not been rectified in the manner prescribed in the preceding rule, the whole despatch shall be again liable to the payment of a fee not exceeding one-twentieth of the original duty, and shall on such payment be cleared, an entry being made on the *rawannah* that the payment has been levied as a penalty for infraction of rule, which infraction should be specified by the officer in his own handwriting.

24. If the officer suspect fraud, he may refuse to deliver the salt except under security equivalent to its full value, together with the duty leviable thereon, and shall refer the case for the orders of his superior officer.

25. If the owner of a *rawannah* desires to divide a despatch of salt covered by the *rawannah*, he shall apply to the officer who issued the *rawannah*, and the officer shall issue as many partition *rawannahs* as may be required, and cancel and resume the original *rawannah*.

26. If anything occurs to prevent the owner of a *rawannah* clearing the salt before the expiry of the period of currency of the *rawannah*, the officer who granted the *rawannah* may at his discretion, but

NATIONAL ARCHIVES OF INDIA

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

subject to such restrictions as the Commissioner may from time to time impose, renew such *rawannah* at any time not more than six months from the date of original issue. If application for renewal is made later than a week before the expiry of the original *rawannah*, it shall be complied with only on the applicant's paying a fee of one-twentieth of the duty originally paid.

The currency of the fresh *rawannah* shall not exceed that of the original *rawannah*.

27. Applications for renewal, except as provided in the preceding rule, shall be forwarded for the orders of the Commissioner, who may authorise such further renewals as he may deem fit.

28. When a *rawannah* is lost or destroyed previous to utilisation, the person to whom it was granted may make application to the officer who issued it for a duplicate, and with the application shall deposit with the officer an amount equivalent to the duty paid for the original *rawannah plus* one-twentieth as a fee. The officer may thereupon grant a duplicate *rawannah*.

On the expiry of the currency of the original *rawannah*, if it has not been utilised, the duty so deposited shall be refunded.

29. The Commissioner may, if he sees fit, authorise the refund of the whole or any portion of a fee paid under Rules 23, 26 and 28.

30. The deposit of salt for retail sale to the people inhabiting a protected area may, subject to any conditions prescribed by the Commissioner, be permitted at any place within the limits of the area approved by the Assistant Commissioner. The *rawannah* designed to cover such deposit shall be endorsed by the Assistant Commissioner for that purpose, and shall remain in force for a period not exceeding four months.

31. Every person retailing such salt under such a *rawannah* shall keep a register of sales daily written up, and shall give to each purchaser a certificate stating the date of sale, the name of such purchaser, and the quantity of salt purchased.

32. A certificate given under the foregoing rule shall cover the salt sold under it while in the possession of the purchaser as if it were a *rawannah*.

33. When any salt is stopped for examination within a protected area by a Salt Revenue Officer, the *rawannah* covering the despatch

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

shall be presented by the trader or his agent, or by the carrier of the salt, to such officer, who shall satisfy himself that it is a genuine document, and that its currency has not expired, and may, if necessary, proceed to weigh the despatch.

34. If on weighment of the salt it is found to exceed the quantity entered in the *rawannah*, the following practice shall be observed by the officer:—

(*a*) If the excess is not more than one per cent., he shall allow the salt to pass unquestioned.

(*b*) If the excess is more than one per cent., he shall detain the despatch and report the matter without delay for the orders of his superior officer for such action as is necessary under the Act.

Importation from Rajputana and Central India and places trans-Indus.

[1]35. The transit, from any of the Native States included in the Rajputana and Central India Agencies into any part of the British territory adjoining the same, of salt produced or manufactured in any Native State in the said Agencies, except salt manufactured at the Salt Sources of Sambhar, Didwana or Pachbadra in the States of Jaipur and Jodhpur (which sources are, in pursuance of agreements made with the Chiefs of those States, administered by the British Government), is prohibited.

[2]36. The transit of salt from the right to the left bank of the river Indus, except such salt as is the produce of the Kalabagh mines, is prohibited.

[3]36-A.—The importation into any part of the territories to which these Rules apply of the salt known in Calcutta and other parts of the Lower Provinces of Bengal as "pakwa", being salt which has been obtained in the manufacture of saltpetre and on which the duty for the time being imposed under section 7 of the Act has not been paid at the place where the salt was obtained as on salt manufactured in the part of British India where that place is situated, is prohibited absolutely.

[1] Rule 35 substituted by Notification No. 541-Exc., dated the 25th January, 1905, *see* Gazette of India, 1905, Pt. I, p. 47.

[2] For rules made in modification of Rule 36, *see* Notification No. 1316-S.R., dated the 17th March, 1898, *supra*, p. 602.

[3] Rule 36-A was inserted by Notification No. 2639-S.R., dated the 21st August, 1885, *see* Gazette of India, 1885, Pt. I, p. 501.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

Manufacture and refinement of saltpetre and the eduction of salt therefrom.

37. No substance included under the term "saltpetre" in section 3 of the Act shall be manufactured or refined, and no salt shall be educed therefrom, except under and in accordance with the conditions of a license as hereinafter prescribed.

38. Applications for licenses shall be made to the Salt Revenue Officer in charge of the division or circle in which the works are situated, who may grant the application on receipt of the prescribed license fee.

39. No license shall be granted for the manufacture of crude saltpetre, or any of the other substances included under the term "saltpetre" in section 3 of the Act, unless the licensing officer is satisfied that the soil in the vicinity of the place of manufacture, and the soil from which the said crude saltpetre or other substance is to be produced, do not contain such a percentage of chloride of sodium as to render the manufacture a source of danger to the salt revenue, and unless the works are so situated that they can, without difficulty, be supervised by the Salt Revenue Department.

40. As a general rule no refinery shall be licensed until the parties applying for a license have satisfied the licensing officer that they are prepared to produce within the period of the license not less than two hundred maunds of refined saltpetre.

41. No refinery shall be licensed until the parties applying for a license have satisfied the licensing officer that the refinery buildings and premises are so constructed and surrounded by a wall as to afford full security for the levy of the duty on salt educed therein.

42. The following fees shall be levied in prepayment for licenses for each description of work:—

For the manufacture and refining of saltpetre, including the eduction of salt therefrom, Rs. 50.

For the manufacture of saltpetre—

	Rs.	A.	P.
In Behar	0	4	0
Elsewhere	2	0	0

For the manufacture of sulphate of soda (khari) by solar heat in evaporating pans—

	Rs.	A.	P.
In Behar	0	4	0
Elsewhere	10	0	0

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd*.

For the manufacture of sulphate of soda (khari) by artificial heat—

	Rs.	A.	P.
In Behar	0	4	0
Elsewhere	2	0	0

For the manufacture of any other substance included under the term "saltpetre" in section 3 of the Act—

	Rs.	A.	P.
In Behar	0	4	0
Elsewhere	2	0	0

43. The license for the manufacture of crude saltpetre or other substance included under the term "saltpetre" in section 3 of the Act, to be granted to persons not licensed to refine the "saltpetre" or educe salt therefrom, shall contain the name of the person to whom it is given, and shall specify the place where such manufacture may be carried on and the approximate quantity of saltpetre which should be manufactured, and shall contain the following conditions:—

1st.—That the provisions of the Act and of all rules and subsidiary rules duly made under it shall be strictly observed by the licensee, his agents, and servants.

2nd.—That no process for refining the crude saltpetre shall be resorted to.

3rd.—That the plant specified in the license shall not be altered, or the locality of the works changed, without written sanction from the Salt Revenue Officer in charge of the circle.

And shall be subject to such further conditions as the Commissioner may from time to time prescribe for the protection of the Government revenue.

44. The license for the manufacture and refinement of saltpetre and for the eduction of salt therefrom shall contain the name of the person to whom it is given, and shall specify the place where such refinement of saltpetre and eduction of salt may be carried on, and the approximate quantity of saltpetre to be refined, and shall also contain the following conditions:—

1st.—That the provisions of the Act, and of all rules and subsidiary rules duly passed under it, shall be strictly observed by the licensee and his agents and servants.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

2nd.—That the refinery buildings and surrounding walls shall be kept in good repair to the satisfaction of the Salt Revenue Officer in charge of the circle, and so as to afford full security for the Government revenue.

3rd.—That the number of pans and boilers specified in the license shall not be altered without the written sanction of the Salt Revenue Officer in charge of the circle.

4th.—That the licensee shall maintain a daily register showing the quantity of crude saltpetre purchased or manufactured, of the saltpetre refined therefrom, and of the salt educed from such saltpetre, and of the quantities of any of these substances which may be sold and removed from the refinery.

5th.—That no saline substance, other than refined saltpetre, shall be removed from the refinery, except with the written sanction of the Salt Revenue Officer of the circle, and if the substance is by law subject to the payment of duty, on payment of Rupees 2 per maund of such substance, provided that with the written sanction of the Salt Revenue Officer of the circle any saline substance subject to the payment of duty, may, without such payment, be so removed for destruction at some convenient place outside the refinery under the supervision of the Salt Revenue Officer of the circle, or other Salt Revenue Officer named in the sanction.

And shall be subject to such further conditions as the Commissioner may from time to time prescribe for the protection of the Government revenue.

45. All licenses granted under this Chapter shall be for a period ending on or before the 31st July following the date of their issue, and shall on expiry be returned to the Salt Revenue Officer.

46. Duplicates of licenses lost or destroyed during the period of their currency may be obtained on payment of one-quarter of the original license fee.

47. Every licensee shall produce his license for inspection when called upon to do so by any officer of the Salt Revenue Department not below the rank of Sub-Inspector or by any subordinate deputed by him for the purpose.

48. All licensed works and all premises connected therewith shall be open at all times by day or night for the inspection of any such officer or subordinate deputed by him for the purpose.

[1] This condition was substituted for the original condition by Notification No 4856-S.R., dated the 9th September, 1887, *see* Gazette of India, 1887, Pt. I, p. 458.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

49. All diaries, registers, books of account and the like connected with the business of licensed works shall at all times be open to the inspection of any such officer or of any subordinate deputed by him for the purpose.

50. All salt shall be daily weighed and placed in a bonded store-house under lock and key, which key shall remain in possession of the Salt Revenue Officer attached to the refinery.

Subject to such directions as the Commissioner may give from time to time, it shall be at the discretion of the Inspector or Sub-Inspector from time to time to cause such salt to be weighed in his presence and removed from the bonded store-house. The licensee shall within twenty-four hours subsequent to such weighment and before the removal of the salt pay the duty leviable thereon.

51. When salt has thus been weighed and the duty paid, it shall with all possible despatch be removed to a distance of more than one hundred yards from any part of the refinery premises under a pass signed by the said Inspector or Sub-Inspector.

The pass shall be current for such period, not exceeding twenty-four hours, as may be deemed necessary for the removal of the salt.

A pass shall not be granted for a less quantity than twenty maunds, except for the purpose of emptying the store-house.

52. Except as hereinbefore provided, or with the permission of the Assistant Commissioner of Salt Revenue, no person shall possess any salt at any place within the limits of or within one hundred yards from the nearest point of any saltpetre manufactory or refinery and its appurtenances.

53. If any licensee under the foregoing rules fails during the period of the license to carry on effective working at the place at which he is licensed to carry on the same, the licensing officer may suspend the license until the licensee is prepared to resume effective working there.

Seizure, disposal or destruction of things liable to be seized or destroyed under the Act.

54. In all cases in which illicitly manufactured salt or saltpetre is seized by any Salt Revenue Officer below the grade of Inspector, such officer shall at once proceed with the salt or saltpetre so seized, and any person concerned in the manufacture that he may have been able to arrest, and any independent witnesses to the seizure whose attendance he may be able to secure, to the nearest police post. The senior officer present at such police post shall receive from the seizing officer the

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

salt or saltpetre so seized, and in the presence of witnesses and accused shall, after weighing and recording the weight of each, take from each distinct kind or quality of salt or saltpetre seized (if there be more than one such kind or quality) two samples of not less than one tola each which he shall seal with the official seal of the police station, and after numbering them deliver them to the officer who made the seizure, recording at the same time a note on the printed form of seizure which will be presented to him, specifying the total weight of each kind seized, according to the weighments made before him, and the corresponding numbers of the samples. The remainder of the salt or saltpetre shall be sealed up with the seal of the officer who made the seizure and of the police station, and shall remain in the malkhana or other secure place in such station, till such time as a written order shall be sent by the Inspector of the circle either for the destruction of the article seized, which shall be carried into effect by the officer presenting such request in the presence of some officer of the police station, and the same certified on the reverse of the order, or for the delivery of the same, or part thereof, as the case may be, to the bearer of the order for production in Court.

55. When a seizure is made by an Inspector in person, he may either follow the foregoing procedure, deputing one of his subordinates present at the seizure to take the salt or saltpetre to the station and receive the samples, or he may himself on the spot take out and seal up the samples and the rest of the seized salt or saltpetre with his own official seal. He may then either take the salt or saltpetre seized with him to deposit where he considers it will be safest, or send it for deposit to the nearest or most accessible police station to be kept as in the previous case till further orders. If, however, the Inspector himself seals the salt or saltpetre, he must, in the event of the identity of the salt or saltpetre produced in Court being denied by the accused, be prepared to attend and prove the same in person.

56. When anything is seized and detained under the Act or the rules made under the Act, it shall not be released until all duty, penalties, and charges due on account thereof have been paid by the owner to the Salt Revenue Officer who is in possession of such thing.

If the thing is reported for confiscation, it shall not be released unless orders for the release are received from competent authority.

57. If an animal is so seized and detained, the owner shall provide for its due care and keep, in default of which the animal may be sold to defray charges.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*contd.*

Rules for the manufacture of salt under license—*contd.*

58. If orders are received from competent authority for the release of anything seized and detained, and no duty or penalty is payable in respect of such thing, it shall at once be given up to the owner or his agent on his paying all charges incurred.

59. Should no one be present to receive the thing released, the officer of Salt Revenue in charge shall do his best to give notice to the owner of the order of release, and shall cause a similar notice to be affixed on the office premises and at the Assistant Commissioner's office.

If within two calendar months from the date of the notice, no person entitled to receive the thing claim it, and pay all charges incurred, it shall be sold, and the proceeds placed in deposit.

After a further period of three calendar months, the money shall be forfeited to Her Majesty.

60. If any duty is leviable or penalty is imposed by competent authority in respect of the thing seized, unless such duty or penalty, together with all charges incurred, be paid within three days of the receipt of the orders of competent authority for release subject to such payment, the thing shall be sold, and from the proceeds the duty, penalty, and charges shall be deducted, and the balance made over to the owner or his agent.

Should no one be present to receive the money, notice, as under Rule 59, shall be given, the money being kept in deposit for three calendar months.

If not claimed within the period, it shall be forfeited to Her Majesty.

61. When orders are received from competent authority for the confiscation of anything seized and detained, it shall, with all convenient despatch, be sold or destroyed as the Assistant Commissioner of Salt Revenue may direct.

62. When a Magistrate orders the confiscation of works, materials, or implements under section 9 of the Act, they shall be sold or destroyed by dismantling or otherwise under the orders of the Assistant Commissioner of Salt Revenue.

Appeals.

63. Any person who may be dissatisfied with an order passed by the Inspector of a circle may appeal to the Assistant Commissioner

NATIONAL ARCHIVES OF INDIA

THE INDIAN SALT ACT, 1882 (XII OF 1882)—*concld.*

Rules for the manufacture of salt under license—*concld.*

of the Division, and any person dissatisfied with an order passed by an Assistant Commissioner may appeal to the Commissioner, whose decision shall be final.

Subsidiary Rules and Forms.

64. The Commissioner of Salt Revenue may make subsidiary rules, and prescribe all forms necessary for the administration of the Act and these Rules.

[*See* Gazette of India, 1884, Pt. I, p. 246.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882).

Application of section 229-A. of the Code to Courts in Native States established or continued by the Governor General in Council, and execution of decrees of such Courts in British India.

No. 1362-I., dated 29th March, 1889.—In exercise of the powers conferred by sections 4 and 5 of the [1]Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare section 229-A. of the [2]Code of Civil Procedure to apply to the Courts specified in the schedule hereto, and to notify that a decree of any Court situate in British India which cannot be executed within the jurisdiction of the Court by which it was made may, if sent for execution to a Court specified in the schedule, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

XXI of 1879.

XIV of 1882.

SCHEDULE.

Civil and Military Station of Bangalore.

The Court of the Civil Judge.

Rajputana.

The District Courts of those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana.

The District Court of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur.

The Court of the Magistrate of Abu.

The Courts of Small Causes for the sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana.

The Court of Small Causes for that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur.

[3]The District Court of the section of the Indian Midland Railway which is situated in the Dholpur State.

The Court of Small Causes for the section of the Indian Midland Railway which is situated in the Dholpur State.

[1] Now repealed by the Extradition Act, 1903 (XV of 1903), but the Notification is kept in force by s. 24 of the General Clauses Act, 1897 (X of 1897), General Acts, Vol. VI.

[2] *See* the revised edition as modified up to 1st December, 1899.

[3] Added by Notification No. 997-I., dated the 4th March, 1891, *see* Gazette of India, 1891, Pt. I, p. 124.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 229-A. of the Code to Courts in Native States established or continued by the Governor General in Council, and execution of decrees of such Courts in British India—*contd.*

Cetral India.

The District Courts, Rajputana-Malwa Railway, at Mhow and Nimach.

The Courts of the Civil Judges of Mhow, Nimach, Nowgong and Indore.

The Court of the Political Agent, Goona.

The Courts of Small Causes at Mhow, Nimach, Nowgong and Sipri.

The Courts of Small Causes, Rajputana-Malwa Railway, Mhow and Nimach sections, and

[1]The Court of Small Causes for those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency.

[1]The District Courts of those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency.

Hyderabad.

All Civil Courts in the Hyderabad Assigned Districts, and

The Civil Courts of the Second Assistant Resident, the Cantonment and Assistant Cantonment Magistrates of Secunderabad and the Superintendent of the Residency Bazars.

Baluchistan Agency.

[2]All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

Baroda.

The Court of Small Causes in the Cantonment of Baroda.

[3]The Court of the First Assistant for the time being to the Agent to the Governor General at Baroda.

[1] Substituted and added, respectively, by Notification No. 997-I., dated the 4th March, 1891, *see* Gazette of India, 1891, Pt. I, p. 124.

[2] Substituted by Notification No. 1481-E., dated the 17th July, 1890, *see* Gazette of India, 1890, Pt. I, p. 530.

[3] Added by Notification No. 3332-I., dated the 4th October, 1890, *see* Gazette of India, 1890, Pt. I, p. 735.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 229-A. of the Code to Courts in Native States established or continued by the Governor General in Council, and execution of decrees of such Courts in British India—*concld.*

Manipur.

The Court of the Political Agent at Manipur.

[1]*Kashmir.*

The Court of the Resident in Kashmir.

The Courts of Assistants to the Resident in Kashmir.

[*See* Gazette of India, 1889, Pt. I, p. 185.]

Application of section 229-A. of the Code to certain Courts in Native States, and execution of decrees of British Indian Courts by such Courts.

No. 4050-I. A., dated the 18th September, 1902.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of the Notification of the Government of India in the Foreign Department, No. 2180-I., dated the 2nd July, 1890, as subsequently supplemented by the like Notification No. 4111-I., dated the 8th October, 1891, to declare section 229-A. of the Code of Civil Procedure to apply to the undermentioned Courts, and to notify that a decree of any Court situate in British India which cannot be executed within the jurisdiction of the Court by which it was made may, if sent for execution to a Court specified in the schedule, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

Cutch.

Court of the Political Agent, Cutch.

Palanpur.

Court of the Political Superintendent, Palanpur.

Court of the Assistant Political Superintendent, Palanpur.

Court of the Huzur Deputy Assistant Political Superintendent, Palanpur.

Court of the District Deputy Assistant Political Superintendent, Palanpur.

[1] Added by Notification No. 1422-E., dated the 13th July, 1891, *see* Gazette of India, 1891, Pt. I, p. 424.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 229-A. of the Code to certain Courts in Native States, and execution of decrees of British Indian Courts by such Courts —*concld.*

Mahi Kantha.

Court of the Political Agent, Mahi Kantha.

Court of the Assistant Political Agent, Mahi Kantha.

Court of the Native Assistant to the Political Agent, Mahi Kantha.

Court of the Personal Assistant to the Political Agent, Mahi Kantha.

Kathiawar.

Court of the Political Agent, Kathiawar.

Court of the Assistant Political Agent, Jhalavad Prant.

Court of the Deputy Assistant Political Agent, Jhalavad Prant.

Court of the Assistant Political Agent, Sorath Prant.

Court of the Deputy Assistant Political Agent, Sorath Prant.

Court of the Assistant Political Agent, Halar Prant.

Court of the Deputy Assistant Political Agent, Halar Prant.

Court of the Assistant Political Agent, Gohelvad Prant.

Court of the Deputy Assistant Political Agent, Gohelvad Prant.

Rewa Kantha.

Court of the Political Agent, Rewa Kantha.

Court of the Assistant Political Agent, Rewa Kantha.

Court of the Deputy Assistant Political Agent, Rewa Kantha.

Kolhapur and Southern Maratha Country.

Court of the Political Agent, Kolhapur and Southern Maratha Country.

Court of the Assistant Political Agent, Kolhapur.

Savantvadi.

Court of the Political Agent, Savantvadi.

[*See* Gazette of India, 1902, Pt. I, p. 689.]

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Execution of decrees of Civil and Revenue Courts in Cooch Behar by Courts in British India.

No. 53-J., dated the 7th March, 1879.—Under section 434 of the [1]Code of Civil Procedure, the Governor General in Council is pleased to declare that decrees of the Civil *and Revenue* Courts of Cooch Behar may be executed in British India, as if they had been made by the Courts of British India. XIV of 1882.

[*See* Gazette of India, 1879, Pt. I, p. 149.]

Execution by British Indian Courts of the decrees of certain Courts in Native States not established or continued by the Governor General in Council.

No. 2877-I. A., dated the 13th July, 1906.—In exercise of the powers conferred by section 229-B. of the Code of Civil Procedure (XIV of 1882), and in supersession of the Notification of the Government of India in the Foreign Department, No. 4052-I.A., dated the 18th September, 1902, the Governor General in Council is pleased to declare that the decrees of the undermentioned Civil Courts situate in the territories of Native Princes or States in alliance with His Majesty which have not been established or continued by the authority of the Governor General in Council, may be executed in British India as if they had been made by the Courts of British India:

Mahi Kantha.

Court of the Japtidar of Pethapur.

Rewa Kantha.

Huzur Court of Rajpipla.

Court of the Sar Nyayadhish of Rajpipla.

Sachin (Surat).

Court of the Administrator, Sachin.

Court of the Diwan of Sachin.

Janjira (Kolaba).

Court of the Sar Nyayadhish of Janjira.

Kolhapur.

Court of His Highness the Maharaja of Kolhapur.

Combined Court of the Political Agent, Kolhapur and Southern Maratha Country, and His Highness the Maharaja of Kolhapur.

[1]*See* now the revised Edn. as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Execution by British Indian Courts of the decrees of certain Courts in Native States not established or continued by the Governor General in Council—*contd.*

Kolhapur—contd.

Court of the Chief Judge, Kolhapur.
Court of the Sadar Amin, Kolhapur.
Court of the Munsiff of Shirol.
Court of the Munsiff of Gad Hinglaj.
Court of the Joint Officer at Katkol.
Court of the Jagirdar of Kagal ... } Junior).
Court of the Munsiff of Kagal ... }
Court of the Jagirdar of Bavda.
Court of the Munsiff of Bavda.
Court of the Jagirdar of Ichalkaranji.
Court of the Munsiff of Ichalkaranji.
Court of the Munsiff of Ajra.
Court of the Jagirdar of Vishalgadh.
Court of the Munsiff of Vishalgadh

Southern Maratha Country.

Court of the Chief of Miraj (Senior).
Court of the Nyayadhish of Miraj (Senior).
Court of the Administrator of Miraj (Junior) ... }
Court of the Munsiff of Kawtha ... ... } Miraj State
Court of the Munsiff of Gadgiri ... ... } (Junior).
Court of the Munsiff of Kuroli ... ... }
Court of the Sub-Saranjamdar of Mhysal.

Akalkot (Sholapur).

Court of the Political Agent, Sholapur.
Court of the Subordinate Judge of Akalkot.
Subordinate Court of Pilio.
Subordinate Court of Kurla.

Surat Agency.

Court of the Political Agent, Surat.
Court of the Assistant Political Agent for the Dángs.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Execution by British Indian Courts of the decrees of certain Courts in Native States not established or continued by the Governor General in Council—*concld.*

Savantvadi.

Court of the Political Agent, Savantvadi.
Court of the Chief Judge, Savantvadi.
Court of the Nyayadhish of Savantvadi.
Court of the Munsiff of Kudal.
Court of the Small Causes of Vadi.

Savanur (Dharwar).

Court of the Political Agent, Dharwar.

[*See* Gazette of India, 1906, Pt. I, p. 472.]

Execution of decrees of Travancore Courts by Courts in British India.

No. 4035, dated the 10th December, 1885.—Under section 434 of the [1]Code of Civil Procedure, the Governor General in Council is pleased to declare that the decrees of the High Court of the State of Travancore, and of the Zilla Courts and the Courts of Munsiffs established in that State, may be executed in British India: Provided that, when the decree sent to a Court in British India for execution is a decree of the Court of a Munsiff, the documents mentioned in section 224 of the Code of Civil Procedure bear the countersignature of the Zilla Court to which the Court of the Munsiff is subordinate. XIV of 1882.

[*See* Gazette of India, 1885, Pt. I, p. 667.]

Execution of decrees of Cochin Courts by Courts in British India.

No. 4036-I., dated the 10th December, 1885.—Under section 434 of the [1] Code of Civil Procedure, the Governor General in Council is pleased to declare that the decrees of the Appeal Court of the State of Cochin, and of the Zilla Courts and the Courts of Munsiffs established in that State, may be executed in British India: Provided that, when the decree sent to a Court in British India for execution is a decree of a Court of a Munsiff, the documents mentioned in section 224 of the Code of Civil Procedure bear the countersignature of the Judge of the Zilla Court to which the Court of the Munsiff is subordinate. XIV of 1882.

[*See* Gazette of India, 1885, Pt. I, p. 667.]

[1]*See* now the revised Edn. as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Execution of decrees of Mysore Courts by Courts in British India.

XIV of 1882. *No. 233-I. J., dated the 25th November, 1881.*—Under section 434 of the [1]Code of Civil Procedure, the Governor General in Council is pleased to declare that decrees of Civil and Revenue Courts of Mysore may be executed in British India, as if they had been made by the Courts of British India.

[*See* Gazette of India, 1881, Pt. I, p. 589.]

Execution of decrees of Chief Court of Pudukottai by Courts in British India.

XIV of 1882. *No. 4395-I. A., dated the 8th December, 1904.*—In exercise of the power conferred by section 229-B. of the [1]Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare that the decrees of the Chief Court of the State of Pudukottai, other than decrees of the Registrar of the Court, may be executed in British India as if they had been made by a Court in British India.

[*See* Gazette of India, 1904, Pt. I, p. 917.]

Delegation of functions conferred on Governor General in Council by section 433 (*1*), (*2*) and (*3*).

XIV of 1882. *No. 1369-I., dated the 29th March, 1889.*—Under section 433, sub-section (*4*), of the [1]Code of Civil Procedure, the Governor General in Council is pleased to authorise each of the Local Governments specified in the first column, of the following table[1] and any of its Secretaries, to exercise with respect to the Princes and Chiefs specified by their titular names against such Government in the second column of the table the functions assigned by sub-sections (*1*), (*2*) and (*3*) of the said section to the Governor General in Council and a Secretary to the Government of India, respectively :—

[1] *See* now the revised Edn. as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Local Government.	Princes and Chiefs.
Madras	His Highness the Maharaja of Travancore. ,, ,, ,, Raja of Cochin. ,, ,, ,, ,, Pudukota. The Nawab of Banganapalle. ,, Raja of Sandur.
Bengal	* * * * * His Highness the Maharaja of Cooch Behar. * * * * * [2][The Maharaja of Patna. The Raja of Karond or Kalahandi. ,, ,, ,, Sonpur. ,, ,, ,, Bamra. ,, ,, ,, Rehrakhole.] The Maharaja of Keunjhar, Tributary Mehals, Orisa. The Raja of Nilgiri ,, ,, ,, ,, ,, ,, Bod ,, ,, ,, ,, ,, ,, Tigaria ,, ,, ,, ,, ,, ,, Ranpur ,, ,, ,, ,, ,, ,, Nyagarh ,, ,, ,, ,, ,, ,, Khandpara ,, ,, ,, ,, ,, ,, Athgarh ,, ,, ,, ,, ,, ,, Daspalla ,, ,, ,, ,, ,, ,, Talcher ,, ,, ,,

[1] The entries relating to the Deb Raja of Bhutan, and the Maharajas of Sikkim and Hill Tipperah were omitted by Notification No. 3445-I. B., dated the 17th August, 1906, *see* Gazette of India, Pt. I, p. 587.

[2] These entries were inserted by *ibid.*

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Local Government.	Princes and Chiefs.
Bengal	The Raja of Athmallik, Tributary Mehals, Orisa.
	„ „ „ Hindol „ „ „
	„ „ „ Pal Lahara „ „ „
	„ „ „ Baramba „ „ „
	„ „ „ Dhenkanal „ „ „
	„ „ „ Mohurbhanj „ „ „
	„ „ „ Narsingpur „ „ „
	* * * * *
	„ „ „ Bonai * * *[2]
	„ „ „ Gangpur * * *[2]
	* * * * *[1]
	The Raja of Seraikella, Singbhoom.
	The Thakur of Kharsawan, „
North-Western Provinces	His Highness the Nawab of Rampur.
	„ „ Raja of Tehri.
Punjab ...	His Highness the Maharaja of Patiala.
	„ „ Nawab of Bahawalpur.
	„ „ Raja of Jhind.
	„ „ „ Nabha.

[1] The entries relating to the Rajas of Sirgujah, Jashpur, Korea and Udaipur and the Chief of Chang Bakhr were omitted by Notification No. 3445-I. B., dated the 17th August, 1906, *see* Gazette of India, 1906, Pt. I, p. 587.

[2] The words "Tributary Mehals, Chota Nagpur" after Bonai and Gangpur were omitted by the notification referred to in the first note.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Local Government.	Princes and Chiefs.
Punjab	His Highness the Raja of Kapurthala. The Raja of Mandi. " " Nahan. " " Bilaspur. " " Bashahr. " " Nalagarh. " " Keonthal. The Nawab of Maler Kotla. The Raja of Faridkot. " " Chamba. " " Suket. The Chief of Kalsia. The Nawab of Pataudi. " " Loharu. " " Dujana. The Raja of Baghal. The Rana of Baghat. " " Jubbal. " " Kumharsain. " " Bhajji. The Thakur of Mailog. The Rana of Balsan.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Local Government.	Princes and Chiefs.
Punjab	The Rana of Dhami. „ „ Kuthar. „ „ Kunihar. „ „ Mangal. The Thakur of Bija. The Rana of Darkuti. The Thakur of Tiroch. The Chief of Sangri. The Rana of Koti.
Central Provinces ...	[1][The Maharaja of Sirgujah. The Raja of Jashpur. „ „ Korea. „ „ Udaipur. The Chief of Chang Bakhr.] The Raja of Bastar. * * * The Raja of Sarangarh. „ „ Raigarh. „ „ Kankar. „ „ Khairagarh. „ „ Nandgaon.

[1] These entries were inserted by Notification No. 3445-I. B., dated the 17th August, 1906, *see* Gazette of India, 1906, Pt. I, p. 587.

[2] The entries relating to the Maharaja of Patna and the Rajas of Karond or Kalahandi, Sonpur, Bamra and Rehrakhole were omitted by the notification quoted in the first note.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Local Government.	Princes and Chiefs.
Central Provinces ...	The Chief of Kondka or Chhuikadan. The Thakur of Kawarda. The Raja of Sakhti. „ „ Makrai.
[1][Eastern Bengal and Assam]	His Highness the Maharaja of Manipur. [2] [His Highness the Raja of Hill Tipperah.]

[*See* Gazette of India, 1889, Pt. I, p. 187.]

No. 1503-I., dated the 8th May, 1896.—Under section 433, sub-section (4) of the [3]Code of Civil Procedure and in supersession of the Notification of the Government of India in the Foreign Department, No. 2180-I., dated the 2nd July, 1890, the Governor General in Council is pleased to authorise the Government of Bombay and any of the Secretaries to that Government to exercise with respect to the Chiefs below specified by their titular names the functions assigned by sub-sections (1), (2) and (3) of the said section to the Governor General in Council and a Secretary to the Government of India, respectively:— XIV of 1882.

Kathiawar Agency.

His Highness the Nawab of Junagarh.
„ „ Jam of Nawanagar.
„ „ Thakur Sahib of Bhavnagar.
„ „ Rana of Porbandar.
„ „ Raj Sahib of Dhrangadra.
„ „ Thakur Sahib of Morvi.
„ „ „ „ Gondal.
The Raj Sahib of Wankaner.
„ Thakur Sahib of Palitana.
„ „ „ Dhrol.

[1] Substituted for "Assam" by Notification No. 3445-I. B., dated the 17th August, 1906, *see* Gazette of India, 1906, Pt. I, p. 587.

[2] Added by the notification quoted in the first note.

[3] *See* now the revised Edn. as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

The Thakur Sahib of Limbdi.
" " " Rajkot.
" " " Wadhwan.
" " of Lakhtar.
" " Sahib of Saila.
" " of Chuda.
" " of Wala.
" Chief of Jasdan.
" " Manavada.
Azam Vala Lakshman Meram of Jetpur.
" Suraj Ganga of Jetpur.
The Thakur of Lathi.
" " Muli.
" " Bajana.
" " Virpur.
" " Malia.
" " Kotda Sangani.
Azam Vala Naja Kala, shareholder of Jetpur-Bilkha.
The Talukdar of Patdi.
" " Gidad.
" " Vanod.
Azam Vala Godad Punja, shareholder of Jetpur.
" Bawa Jivna, " Jetpur.
" Ala Bhima, " Jetpur-Bilkha.
" " Desa, " "
Desai Keshavlal Pranjivan, shareholder of Vasawad.
The Talukdar of Mengni.
" " Kotharia.
" " Gavridad.
" " Pal.
" " Gadhka.
" " Jalia Devani.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Khan Shri Rustam Khanji, shareholder of Bantva.
Azam Vala Harsur Lakshman, shareholder of Bagasra.
Jhala Chandrasinghji Bapubha, „ „ Bhoika.
The Talukdar of Rai Sankli.
„ „ Rajpur.
„ „ Vadod.
Khachar Dada Jaita, shareholder of Chotila.
„ Jasa Ala, „ „ „
The Talukdar of Sanosra.
Khachar Mesur Visaman, shareholder of Anandpur.
„ Jethsur Mansur, „ „
Malik Jankhan Zorawar Khan, shareholder of Dasada.
Khachar Harsur Naja, shareholder of Paliyad.
Vala Rukhad Gorkha, shareholder of Jetpur.
Valas Anand Valera and Giga Rana, shareholders of Jetpur.
Vala Dana Hamir, shareholder of Jetpur.
Vala Kala Bhan, „ „ „
Vala Loma Moka, „ „ „
„ Bhima Valera, „ „ „
„ Nag Hamir, „ „ „
Azam Jasvantrai Dulerai, Talukdar of Vichhavad.
„ Narsinghprasad Hariprasad, Talukdar of Vichhavad.
„ Bapubhai Jadavrai, Talukdar of Kuba.
Vala Vajsur Valera, shareholder of Bagasra.
Azam Kotila Bhan Bhim, shareholder of Dedan.
Jadeja Asaji Bhimji, Talukdar of Rajpara.
Jadeja Pratapsinghji Madhavsinghji, Talukdar of Bhadva.
Jadeja Bhupatsinghji Amarsinghji, Talukdar of Shapur.
Vala Loma, Matra, Talukdar of Kotda Pitha.
Vala Deva Rukhad, „ „ „ „
Vala Bhoj Dosa, „ „ „ „
Vala Amra Ravat, „ „ „ „
Vala Harsur Suraj, „ „ „ „
Khachar Champraj Mansur, Talukdar of Bhadli.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Khachar Bhan Matra, Talukdar of Kariana.
Khachar Rama Devait, Talukdar of Itria.
Khachar Rukhad Jasa, Talukdar of Vankia (Khambala).
Vala Hipa Nathu, shareholder of Jetpur.
Jadeja Harisingh, Abhesingh, shareholder of Lodhika.
Jadeja Ratansingh Pathubhai, shareholder of Lodhika.
Jadeja Raisinghji Jijibhai, Talukdar of Khirasra.
Jadeja Verabhai Bhupatsinghji, Talukdar of Vadali.
Khachar Devait Luna, Talukdar of Kariana (Sitapur).
Khachar Mulu Bhoj, Talukdar of Kariana (Taivadar).

Kolhapur Agency.

His Highness the Raja of Kolhapur.
The Chief of Vishalgad.
The Chief of Bavda.
The Chief of Kagal (Senior).
The Ghorpade of Kapshi.
The Chief of Ichalkaranji.
The Sena Khaskhel of Torgal.
The Sarlashkar Bahadur of Kolhapur.
The Chief of Kagal (Junior).
The Himmat Bahadur of Kolhapur.

Southern Mahratta Country Agency.

The Chief of Sangli.
" " " Miraj (Senior).
" " " " (Junior).
" " " Kurundwad (Senior).
" " " " (Junior) (1).
" " " " (Junior) (2).
" " " Jamkhandi.
" " " Mudhol.
" " " Ramdurg.
The Jagirdar of Jath.
Ranibai Sahib Daphle, Deshmukh and Jagirdar of Daphlapur.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

His Highness the Raja of Rajpipla.
The Raja of Chhota Udepur.
" Raja of Bariya.
" " " Lunavada.
" " " Sunth.
The Babi of Balasinor.
The Thakur of Kadana.
" " " Sanjeli.
" " " Bhadarwa.
" " " Umetha.
The Rana of Mandwa.
The Thakur of Shanor.
" " Naswadi.
" " Vajiria.
" " Uchad.
" " Virpur.
" " Sihora.
" " Chhaliar.
" " Gad.
" " Agar.

Kutch Agency.

His Highness the Rao of Kutch.
Jadeja Virsalji of Roha.
" Khanji Naronji of Chitrod.
Waghela Meghrajji Lakhaji of Palanswa.
Jadeja Modhji Devaji of Vandhia.
" Rawaji Lakhaji of Adesar.
" Hamirji Sahibji of Vinjhan.
Rana Sardarsinghji Meramanji of Gedi.
Jadeja Chandaji Prathirajji of Nagrecha.
" Harbhamji Hardhoji of Vijpasar.
" Tejmalji Hamatsinghji of Kumbhardi.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

Jadeja Dewaji Sumarji of Bada.
„ Rajmalji Ajaji of Kera.
„ Dansinghji Mathaji of Bambhadai.
„ Khanji Dewaji of Jadodar.

Mahi Kantha Agency.

His Highness the Maharaja of Idar.
The Rao of Pol.
The Maharana of Danta.
The Rawal of Malpur.
The Thakur of Mohanpur.
„ Rawal „ Mansa.
The Thakur of Katosan.
„ „ „ Ilol.
„ „ „ Varsoda.
„ „ „ Pethapur.
„ „ „ Ranasan.
The Miyan of Punadra.
„ „ „ Khadal.
The Thakur of Ghodasar.
„ „ „ Amaliyara.
„ „ „ Valasna.
The Miyan of Dhaba.
The Thakur of Vasna.
„ „ „ Sudasna.
„ „ „ Rūpal.
„ „ „ Dadhalia.
„ „ „ Vadagam.
„ „ „ Magodi.
„ „ „ Sathamba.
The Miyan of Ramas.
„ Thakur of Bolandra.
„ „ „ Derol.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (*1*), (*2*) and (*3*)—*contd.*

The Thakur of Khedawada.
" " " Kadoli.
" " " Vakhtapur.
" " " Prempur.
" " " Dedhrota.
" " " Tajpuri.
" " " Hapa.
" " " Satlasna.
" " " Bhalusna.
" " " Likhi.
" " " Hadol.
Thakur Malamsinghji, chief shareholder of Maguna.
Thakur Jethaji, shareholder of Tejpura.
Thakur Tejaji, shareholder of Tejpura.
The Thakur of Virsoda.
" " " Palaj.
" " " Deloli.
" " " Kasalpura.
" " " Mehmadpura.
" " " Ijpura.
" " " Rampura.
" " " Ranipura.
" " " Gabat.
" " " Timba.
" " " Umri.
The Jagirdar of Mota Kotharna.

Palanpur Superintendency.

His Highness the Diwan of Palanpur.
" " " Nawab Babi of Radhanpur.
The Thakur of Tharad.
" " " Bhorol.
" " " Wao.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*contd.*

The Thakurs of Deodar.
The Talukdars of Tharad,
The Thakur of Warahi.

Savantvadi Superintendency.

The Sir Desai of Savantvad.

Surat Agency.

The Raja of Dharampur.
" " " Bansda.
The Nawab of Sachin.

Khandesh Agency.

The Chief of Gadhi.
" " " Derbhavti.
" " " Amala.
" " " Vasurna.
" " " Pimpri.
" " " Kirli.
" " " Shivbara.
" " " Palasvihir.
" " " Vadhyavan.
" " " Jhari Gharkhadi.
" " " Bilbari.
" " " Pimpladevi.
" " " Avchar.
" " " Chinchligudod.
" " " Kekat Kadupada.
" " " Kathi.
" " " Raysinghpur.
" " " Chikhli.
" " " Singhpu.
" " " Navalpur.
" " " Nal.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Delegation of functions conferred on Governor General in Council by section 433 (1), (2) and (3)—*concld.*

Satara Agency.

The Pant Prathinidhi of Aundh.

The Deshmukh and Jagirdar of Phaltan.

Thana Agency.

The Raja of Jauhar.

Kolaba Agency.

The Nawab of Janjira.

Dharwar Agency.

The Nawab of Savanur.

Kaira Agency.

His Highness the Nawab of Cambay.

Sholapur Agency.

The Raja of Akalkot.

Poona Agency.

The Pant Sachiv of Bhor.

Shikarpur Agency.

His Highness the Mir of Khairpur.

Nasik Agency.

The Deshmukh of Surgana.

[*See* Gazette of India, 1896, Pt. I, p. 322.]

Courts established or continued by the Governor General in Council in Native States.

No. 1361-I., dated the 20th March, 1889.—With reference to sections 90, 229, 229-A, 229-B and 650-A of the Code of Civil Procedure, the Governor General in Council is pleased to notify that the following Courts, among others, are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States, namely:— XIV. of 1882.

Civil and Military Station of Bangalore.

The Courts of the Resident in Mysore, the Civil Judge and the Munsif.

Rajputana.

The District Courts of those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana,

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Courts established or continued by the Governor General in Council in Native States—*contd.*

the District Courts of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur,

the Court of the Magistrate of Abu,

the Courts of Small Causes for those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana,

the Court of Small Causes for that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpur, and

[1] the District Court of the section of the Indian Midland Railway which is situated in the Dholpur State,

[1] the Court of Small Causes for the section of the Indian Midland Railway which is situated in the Dholpur State.

Central India.

The District Courts, Rajputana-Malwa Railway, at Mhow and Nimach,

the Courts of the Civil Judges of Mhow, Nimach, Nowgong and Indore,

the Court of the Political Assistant, Goona,

the Courts of Small Causes at Mhow, Nimach, Nowgong and Sipri,

the Courts of Small Causes, Rajputana-Malwa Railway, Mhow and Nimach sections, and

[2] the Court of Small Causes for those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency,

[2] the District Courts of those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency.

Hyderabad.

All Civil Courts in the Hyderabad Assigned Districts, and

the Civil Courts of the First and Second Assistant Residents, the Cantonment and Assistant Cantonment Magistrates of Secunderabad, and the Superintendent of the Residency Bazars.

Baluchistan Agency.

[3] All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such agent,

[1] Added by Notification No. 996-I., dated the 4th March, 1891, *see* Gazette of India, 1891, Pt. I, p. 124.

[2] Substituted and added, respectively, by Notification No. 996-I., dated the 4th March, 1891, *see* Gazette of India, 1891, Pt. I, p. 124.

[3] Substituted by Notification No. 1480-E., dated the 17th July, 1890, *see* Gazette of India, 1890, Pt. I, p. 530.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Courts established or continued by the Governor General in Council in Native States—*contd.*

the Court of Small Causes in the Cantonment of Baroda, and

[1] the Court of the First Assistant for the time being to the Agent to the Governor General at Baroda.

Manipur.

The Court of the Political Agent at Manipur.

[2]*Kashmir.*

The Court of the Resident in Kashmir, and

the Courts of Assistants to the Resident in Kashmir.

[*See* Gazette of India, 1889, Pt. I, p. 184.]

No. 4049-I. A., dated the 18th September, 1902.—With reference to sections 90, 229, 229-A, 229-B and 650-A, of the Code of Civil Procedure (Act XIV of 1882), and in supersession of the Notification of the Government of India in the Foreign Department, No. 2179-I., dated the 2nd July, 1890, as subsequently supplemented by the like Notification, No. 4110-I., dated the 8th October 1891, the Governor General in Council is pleased to notify that the following Courts in the territories of Native Chiefs under the Political control of the Government of Bombay are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States, namely :—

CUTCH.

Court of the Political Agent, Cutch.

PALANPUR.

Court of the Political Superintendent, Palanpur.

Court of the Assistant Political Superintendent, Palanpur.

Court of the Huzur Deputy Assistant Political Superintendent, Palanpur.

Court of the District Deputy Assistant Political Superintendent, Palanpur.

Court of the Thanadar of the Tharad Jamya villages.

Court of the Thanadar of Vav.

Court of the Thanadar of Santalpur.

[1] Added by Notification No. 3331-I., dated the 4th October, 1890, *ese* Gazette of India, 1890, Pt. I, p. 734.

[2] Added by Notification No. 1421-E., dated 13th July 1891, *see* Gazette of India, 1891, Pt. I, p. 423.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Courts established or continued by the Governor General in Council in Native States—*contd.*

Court of the Thanadar of Varahi.
Court of the Thanadar of Diodar.
Court of the Thanadar of Kankrej.

MAHI KANTHA.

Court of the Political Agent, Mahi Kantha.
Court of the Assistant Political Agent, Mahi Kantha.
Court of the Native Assistant to the Political Agent, Mahi Kantha.
Court of the Personal Assistant to the Political Agent, Mahi Kantha.
Court of the Thanadar, Vatrak Kantha.
Court of the Thanadar of the Bavisi Zilla.
Court of the Thanadar of Sabar Kantha.
Court of the Thanadar of Katosan.
Court of the Thanadar of Ghadvada.
Court of the Aval-karkun at Mahisa.

KATHIAWAR.

Court of the Political Agent, Kathiawar.
Court of the Assistant Political Agent, Jhalabad Prant.
Court of the Assistant Political Agent, Sorath Prant.
Court of the Assistant Political Agent, Halar Prant.
Court of the Assistant Political Agent, Gohelvad Prant.
Court of the Deputy Assistant Political Agent, Jhalavad Prant.
Court of the Deputy Assistant Political Agent, Sorath Prant.
Court of the Deputy Assistant Political Agent, Halar.
Court of the Deputy Assistant Political Agent, Gohelvad.
Court of Small Causes, Rajkot Civil Station.
Court of the Wadhwan District Thanadar.
Court of the Chotila Thanadar.
Court of the Dasada Thanadar.
Court of the Bhika Thanadar.
Court of the Paliyad Thanadar.
Court of the Vithalgad Thanadar.
Court of the Bagasra Thanadar.
Court of the Lakhapadar Thanadar.
Court of the Lodhika Thanadar.
Court of the Dhrapha Thanadar.
Court of the Babra Thanadar.
Court of the Songad Thanadar.
Court of the Chamardi Thanadar.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Courts established or continued by the Governor General in Council in Native States—*concld.*

Court of the Datha Thanadar.
Court of the Chok Thanadar.
Court of the Dedan Thanadar.
Court of the Jhinjhuvada Thanadar.
Court of the Deputy Thanadar, Mulila.

REWA KANTHA.

Court of the Political Agent, Rewa Kantha.
Court of the Assistant Political Agent, Rewa Kantha.
Court of the Deputy Assistant Political Agent, Rewa Kantha.
Court of the Thanadar of Sankheda.
Court of the Thanadar of Pandu.
Court of the Thanadar of Jambughoda.

KOLHAPUR AND SOUTHERN MARATHA COUNTRY.

Court of the Political Agent, Kolhapur and Southern Maratha Country.
Court of the Assistant Political Agent, Kolhapur.

SAVANTVADI.

Court of the Political Agent, Savantvadi.

[*See* Gazette of India, 1902, Pt. I, p. 688.]

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council.

No. 4053-I.A., dated the 18th September, 1902.—In exercise of the power conferred by section 650-A of the Code of Civil Procedure (Act XIV of 1882), and in supersession of the Notification of the Government of India in the Foreign Department, No. 868-I., dated the 13th March, 1885, as subsequently amended and supplemented by the like Notifications* quoted in the margin, the Governor General in Council is pleased to declare the provisions of that section to apply to those of the undermentioned Civil Courts, situate beyond the limits of British India, which have not been established by the authority of the Governor General in Council.

*No. 1727-I., dated 29th May, 1885.
No. 2266-I., dated 10th July, 1885.
No. 2361-I., dated 17th July, 1885.
No. 3289-I.A., dated 23rd October, 1896.
No. 3632-I.A., dated 24th September, 1897.
No. 4313-I.A., dated 22nd November, 1897.
No. 2664-I.A., dated 12th July, 1901.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council—*contd.*

KHAIRPUR.

Court of His Highness the Mir of Khairpur.

Court of the Wazir of His Highness the Mir of Khairpur.

Court of the Mukhtyarkars of Khairpur, Gambat, Mirwah, Nara and the Nazam Adalat.

Court of the Head Munshis of Khairpur, Gambt, Mirwah and Nara.

KANTHIAWAR.

FIRST CLASS STATES.

(1—*Junagadh State.*)

Huzur Adalat, Junagadh.

Sadar Adalat, Junagadh.

Adalat of the Assistant Judge, Junagadh.

Court of the First Class Civil Munsiff, Junagadh.

Court of the Small Causes, Junagadh.

Court of the Zilla Judge of Babriavad at Bherai.

Court of the First Class Civil Munsiff, Nageshri, Babriavad.

Court of the First Class Civil Munsiff, Una.

Court of the First Class Civil Munsiff, Patan.

Court of the First Class Civil Munsiff, Veraval.

Court of the First Class Civil Munsiff, Malia.

Court of the First Class Civil Munsiff, Visawadar.

Court of the First Class Civil Munsiff, Bhesan.

Court of the First Class Civil Munsiff, Kutania.

Court of the First Class Civil Munsiff, Sil.

Court of the Second Class Munsiff, Nawagadh.

Court of the Second Class Munsiff, Sasan.

Court of the Second Class Munsiff, Sunvav.

Court for Small Causes, Chorwad.

(2—*Navanagar State.*)

Chief Judicial Court, Navanagar.

Senior Nyayadhish's Court, Navanagar.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council—*contd.*

Junior Nyayadhish's Court, Navanagar.

City Munsiff's Court, Navanagar.

City Small Cause Court, Navanagar.

Small Cause Court, Padadhari.

Munsiff's Court, Khambhalia.

Munsiff's Court, Bhanvad.

Munsiff's Court, Jodia.

Munsiff's Court, Kandorna.

Munsiff's Court, Lalpur.

Munsiff's Court, Atkot.

Munsiff's Court, Kalawad.

Munsiff's Court, Kalyanpur.

Munsiff's Court, Amron.

(3—*Bhavnagar State.*)

Huzur Court, Bhavnagar.

Sar Nyayadhish's Court, Bhavnagar.

Joint Sar Nyayadhish's Court, Bhavnagar.

Nyayadhish's Court, Bhavnagar.

Nyayadhish's Court, Mahuva.

Nyayadhish's Court, Kundla.

Nyayadhish's Court, Talaja.

Nyayadhish's Court, Lilia.

Nyayadhish's Court, Botad.

Nyayadhish's Court, Umrala.

Nyayadhish's Court, Gadhada.

Nyayadhish's Court, Sihor.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council—*contd.*

(4—*Porbandar State.*)

Munsiff's Court, Porbandar.

Sar Nyayadhish's Court, Porbandar.

Huzur Court, Porbandar.

(5—*Dhrangadhra State.*)

Huzur Court, Dhrangadhra.

Sar Nyayadhish's Court, Dhrangadhra.

Nyayadhish's Court, Dhrangadhra.

Nyayadhish's Court, Halwad.

Thanadar's Court, Shitha.

Thanadar's Court, Umarda.

(6—*Morvi State.*)

Huzur Court, Morvi.

Mukhya Diwan's Court, Morvi.

Sar Nyayadhish's Court, Morvi.

Diwani Nyayadhish's Court, Morvi.

Mahalkari's Court, Tankara.

Thanadar's Court, Tankara.

Thanadar's Court, Jetpur.

Thanadar's Court, Vavania.

(7—*Gondal State.*)

Huzur Court, Gondal.

Sar Nyayadhish's Court, Gondal.

Munsiff's Court, Gondal.

Munsiff's Court, Dhoraji.

Thanadar's Court, Gondal.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council—*contd.*

Thanadar's Court, Dhoraji

Nyayadhish's Court, Sarsai.

SECOND CLASS STATES.

(1—*Vankaner State.*)

Huzur Court, Vankaner.

Sar Nyayadhish's Court, Vankaner.

Nyayadhish's Court, Vankaner.

(2—*Palitana State.*)

Huzur Court, Palitana.

Sar Nyayadhish's Court, Palitana.

Diwani Nyayadhish's Court, Palitana.

(3—*Dhrol State.*)

Huzur Court, Dhrol.

Small Cause Court, Dhrol.

Karbhari's Court, Dhrol.

Nyayadhish's Court, Dhrol.

Nyayadhish's Court, Sarapdar.

(4—*Limbdi State.*)

Munsiff's Court, Limbdi.

Judicial Karbhari's Court, Limbdi.

Huzur Court, Limbdi.

(5—*Rajkot State.*)

Government Manager's Court, Rajkot

Diwani Nyayadhish's Court, Rajkot.

Small Cause Court, Rajkot.

Thanadar's Court, Sardhar.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council—*contd.*

(6—*Wadhwan State.*)

Nyayadhish's Court.

Sar Nyayadhish's Court.

Huzur Court.

(7—*Jafrabad State.*)

Madatnis Kamgar's Court.

Mamlatdar's Court.

MAHI KANTHA.

Court of the Japtidar of Pethapur.

REWA KANTHA.

Huzur Court of Rajpipla.

Court of the Sar Nyayadhish of Rajpipla.

SACHIN (SURAT).

Court of the Administrator, Sachin.

Court of the Diwan of Sachin.

JANJIRA (KOLABA).

Court of the Sar Nyayadhish of Janjira.

KOLHAPUR.

Court of His Highness the Maharaja of Kolhapur.

Combined Court of the Political Agent, Kolhapur and Southern Maratha Country, and His Highness the Maharaja of Kolhapur.

Court of the Chief Judge, Kolhapur.

Court of the Sadar Amin, Kolhapur.

Court of the Munsiff of Shirol.

Court of the Munsiff of Gad Hinglaj.

Court of the Joint Officer at Katkol.

Court of the Chief of Kagal.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council—*contd.*

Court of the Munsiff of Kagal.

Court of the Chief of Bavda.

Court of the Munsiff of Bavda.

Court of the Chief of Ichalkaranji.

Court of the Munsiff of Ichalkaranji.

Court of the Munsiff of Ajra.

Court of the Chief of Vishalgadh.

Court of the Munsiff of Vishalgadh of Miraj.

SOUTHERN MARATHA COUNTRY.

Court of the Nyayadhish of Miraj.	Miraj State (Senior).
Court of the Munsiff of Lakshmeshvar.	
Court of the Munsiff of Modnimb.	
Court of the Administrator.	Miraj State (Junior).
Court of the Munsiff of Kawtha.	
Court of the Munsiff of Gadgiri.	
Court of the Munsiff of Kuroli.	
Huzur Court.	Sangli State.
Court of the Nyayadhish.	
Court of the Munsiff of Miraj Prant.	
Court of the Munsiff of Mangalveda, Kuchi and Terdal or Northern Division.	
Court of the Munsiff of Shahapur and Shirhatti or Southern Division.	

Court of the Wahiwatdar of the Sub-Saranjam of Mhysal.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Courts, beyond British India, not established or continued by the Governor General in Council—*concld.*

AKALKOT (SHOLAPUR).

Court of the Political Agent Sholapur.
Court of the Subordinate Judge of Akalkot.
Subordinate Court of Pilio.
Subordinate Court of Kurla.

SAVANTVADI.

Court of the Political Agent, Savantvadi.
Court of the Chief Judge of Savantvadi.
Court of the Nyayadhish of Savantvadi.
Court of the Munsiff of Kudal.
Court of the Small Causes of Vadi.

[*See* Gazette of India, 1902, Pt. I, p. 693.]

No. 2417-I., dated the 31st May, 1887.—With reference to Foreign Department Notification [1]No. 868-I., dated the 13th March, 1885, and in exercise of the power conferred by section 650-A of the [2]Code of Civil Procedure, the Governor General in Council is pleased to declare the provisions of that section to apply to the undermentioned Civil Courts, which are situate beyond the limits of British India, and have not been established by the authority of the Governor General in Council:

Kolhapur and Southern Maratha Country.

Court of the Chief of Mudhol.
Court of the Nyayadhish of Mudhol.

[*See* Gazette of India, 1887, Pt. I, p. 256.]

Application of section 650-A to the Courts in the Straits Settlements.

No. 1512, dated the 20th September, 1888.—In exercise of the power conferred by section 650-A of the [1] Code of Civil Procedure (Act XIV of 1882), as amended by section 62 of Act VII of 1888, the Governor General in Council is pleased to declare that the provisions of that section apply to the Courts in the Straits Settlements.

[*See* Gazette of India, 1888, Pt. I, p. 427.]

[1] Repealed by Notification No. 4053-I.A., dated 18th September, 1902, *supra*, p. 642.

[2] *See* now the revised Edn. as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A to certain Rajpipla Courts.

No. 4313-I.A., dated the 22nd November, 1897.—In exercise of the power conferred by section 650-A of the Code of Civil Procedure (XIV of 1882), the Governor General in Council is pleased to declare the provisions of the said section to apply to the undermentioned Civil Courts, situate in the territories of His Highness the Raja of Rajpipla, which have not been established or continued by the authority of the Governor General in Council:

(1) The Huzur Court of Rajpipla.

(2) The Court of the Sar Nyayadhish of Rajpipla.

[*See* Gazette of India, 1897, Pt. I, p. 1061.]

Service of summons of Mysore Courts by Courts in British India.

No. 232-I. I., dated the 25th November, 1881.—Under the provisions of section 650-A of the [1]Civil Procedure Code (Act XIV of 1882), the Governor General in Council is pleased to declare that summonses issued by any Court in Mysore may be sent to the Courts in British India and served as if they had been issued by such Courts.

[*See* Gazette of India, 1881, Pt. I, p. 589.]

Service of summons of the Courts of the Baroda State by Courts in British India.

No. 1990-I., dated the 20th June, 1895.—Under the provisions of section 650-A of the [1]Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare that summonses issued by any Civil or Revenue Court in the Baroda State may be sent to the Courts in British India and served as if they had been issued by such Courts.

[*See* Gazette of India, 1895, Pt. I, p. 561.]

Service of summons of Courts in the Central India Agency by British Indian Courts.

No. 928-I., dated the 12th March, 1896.—Under the provisions of section 650-A of the [1]Code of Civil Procedure (Act XIV of 1882) the Governor General in Council is pleased to declare that summonses issued by any Civil or Revenue Court within the territories of the

[1] *See* now the revised Edn. as modified up to 1st December, 1899.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Service of summons of Courts in the Central India Agency by British Indian Courts—*concld.*

States named in the Schedule to this notification may be sent to the Courts in British India and served as if they had been issued by such Courts.

Schedule.

1. Gwalior.	12. Bhopal.
2. Dewas State, Senior Branch.	13. Orchha.
3. Dewas State, Junior Branch.	14. Datia.
4. Rewa.	15. Panna.
5. Jaora.	16. Ajaigarh.
6. Rutlam.	17. Charkhari.
7. Indore.	18. Bijawar.
8. Dhar.	19. Baoni.
9. Jhabua.	20. Chhatarpur.
10. Barwani.	21. Garauli.
11. Ali Rajpur.	22. Karwai[1].

23. Narsinghar[1].

[*See* Gazette of India, 1896, Pt. I, p. 181.]

Service of summons of Hyderabad Courts by Courts in British India.

No. 752-I.B., dated the 17th March, 1899.—Under the provisions of section 650-A of the Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare that summonses issued by any Civil or Revenue Court within the territories of His Highness the Nizam of Hyderabad may be sent to the Courts in British India and served as if they had been issued by such Courts.

[*See* Gazette of India, 1899, Pt. I, p. 153.]

[1] Added by Notifications Nos. 3849-I.B., dated the 11th October, 1897, and 2960-I.B., dated the 1st November, 1898, respectively, *see* Gazette of India, 1897, Pt., p. 935, and *ibid.*, 1898, Pt. I, p. 1085.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A of the Code to Courts in Ceylon.

No. 433, dated the 23rd March, 1899.—In exercise of the power conferred by section 650-A of the Code of Civil Procedure (XIV of 1882), the Governor General in Council is pleased to declare that the provisions of that section apply to the Courts in Ceylon.

[*See* Gazette of India, 1899, Pt. I, p. 188.]

Application of section 650-A of the Code to the Court of Political Agent, Sholapur.

No. 3491-I., dated the 15th October, 1885.—With reference to Foreign Department Notification No. 868-I., dated the 13th March, 1885, and in exercise of the power conferred by section 650-A of the Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare that the provisions of that section apply to the [1]Court of the Political Agent of Sholapur, which is situate beyond the limits of British India and has not been established by the authority of the Governor General in Council.

[*See* Gazette of India, 1885, Pt. I, p. 584.]

Application of section 650-A of the Code to Civil Courts in Travancore, Cochin, Pudukota and Banganapalle.

No. 3095-I.A., dated the 16th August, 1901.—In exercise of the power conferred by section 650-A of the Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare the provisions of the said section to apply to the undermentioned Civil Courts, situate in the territories of His Highness the Maharaja of Travancore, His Highness the Raja of Cochin, His Highness the Raja of Pudukota, the Nawab of Banganapalle, and the Raja of Sandur, respectively, which have not been established or continued by the authority of the Governor General in Council :

Travancore.

1. District Court, Nagercoil.
2. „ „ Trivandrum.
3. „ „ Quilon.
4. „ „ Alleppey.
5. „ „ Parur.

[1] This Court is also mentioned in Notification No. 4053-I., dated the 18th September 1902, and the notification is therefore virtually repealed by that notification.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A of the Code to Civil Courts in Travancore, Cochin, Pudukota and Banganapalle—*contd.*

6. Munsiff's Court, Nagercoil.
7. ,, ,, Padmatnabhapuram.
8. ,, ,, Neyyatinkara.
9. ,, ,, Trivandrum. (Principal and additional.)
10. ,, ,, Chirayinkil.
11. ,, ,, Quilon.
12. ,, ,, Kottarakara.
13. ,, ,, Krishnapuram.
14. ,, ,, Shencottah.
15. ,, ,, Haripad.
16. ,, ,, Tiruvalla.
17. ,, ,, Alleppey.
18. ,, ,, Shertallay.
19. ,, ,, Vaikam.
20. ,, ,, Kottayam.
21. ,, ,, Muvattupuzha.
22. ,, ,, Parur.
23. ,, ,, Cardamom Hills.

Cochin.

1. Appeal Court, Cochin.
2. Zilla Court, Anjikaimal.
3. ,, ,, Trichur.
4. Munsiff's Court, Cochin.
5. ,, ,, Ernakulam.
6. ,, ,, Irinjalacuda.
7. ,, ,, Trichur.
8. ,, ,, Vadakkancherri.
9. ,, ,, Chittur.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*contd.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*contd.*

Application of section 650-A of the Code to Civil Courts in Travancore, Cochin, Pudukota and Banganapalle—*contd.*

Pudukota.

1. The Chief Court, Pudukota.
2. The Courts of the Small Cause Judge and of the Sub-Registrar of Tirumiem.
3. The Courts of the Small Cause Judge and of the Sub-Registrar of Alangudi.
4. The Courts of the Small Cause Judge and of the Sub-Registrar of Kolattur.
5. The Courts of the Small Cause Judge and of the Sub-Registrar of Keelanilai.
6. The Courts of the Small Cause Judge and of the Sub-Registrar of Viralimalai.
7. The Courts of the Small Cause Judge and of the Sub-Registrar of Karambakudi.
8. The Courts of the Small Cause Judge and of the Sub-Registrar of Ponnamaravati.
9. The Courts of the Small Cause Judge and of the Sub-Registrar of Annavasal.
10. The Courts of the Small Cause Judge and of the Sub-Registrar of Perungalur.
11. [1]The Courts of the Small Cause Judge and of the Sub-Registrar of Arimalam.
12. [1]The Court of the Registrar of Assurances, Pudukota.
13. [1]„ „ „ Sub-Registrar „ Keraiyur.

Banganapalle.

1. The Sadr Court, Banganapalle.
2. The Adalat Court, Banganapalle.

Sandur.

1. The Dewan's Court, Sandur.

[*See* Gazette of India, 1901, Pt. I, p. 582.]

[1]Substituted by Notification No. 850-I.A., dated 28th February, 1902.

NATIONAL ARCHIVES OF INDIA

Part II.—General Rules and Orders made under General Acts of the Governor General in Council—*concld.*

THE CIVIL PROCEDURE CODE (ACT XIV OF 1882)—*concld.*

Application of section 650-A of the Code to Travancore.

No. 4229-I.A., dated the 16th November, 1901.—In continuation of the Notification of the Government of India in the Foreign Department, No. 3095-I.A., dated the 16th August, 1901, and in exercise of the power conferred by section 650-A of the Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare the provisions of the said section to apply to the High Court of Travancore, situate in the territories of His Highness the Maharaja of Travancore, which has not been established or continued by the authority of the Governor General in Council.

[*See* Gazette of India, 1901, Pt. I, p. 977.]

NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX.

THE ARMY ACT (44 & 45 VICT., C. 58).

Rules for the management and regulation of military prisons in India.

India Army Order No. 131 of 1903.—In exercise of the power conferred by section 133 of the Army Act (44 & 45 Vict., c. 58) and in supersession of all rules previously issued thereunder, the Governor General of India in Council is pleased to make the following rules for military prisons in India :—

OFFICERS OF PRISONS.

1. The general government of a military prison shall be in the hands of the Officer Commanding the station where the prison is situated, hereinafter referred to as "the Officer Commanding."

2. In subordination to the Officer Commanding, there shall be for every military prison a medical officer, a Church of England chaplain, a chief warder and as many subordinate officers as may be necessary.

3. The medical officer shall be an officer of the medical staff, and shall be appointed, and may be removed, by the Officer Commanding.

4. The Church of England chaplain for the time being at the station in which the prison is situated shall be the Church of England chaplain of the prison.

5. The Roman Catholic, Presbyterian, and Wesleyan Methodist chaplains, if any, at the station, shall have the same liberty of access to the prison for the purpose of ministering to the moral and religious wants of prisoners and others of their respective religious persuasions as the Church of England chaplain, and shall be deemed to be chaplains within the meaning of these rules.

6. The chief warder and the subordinate officers shall be appointed, and may be removed, in accordance with such orders as the Government of India may from time to time issue in this behalf.

7. (*1*) In addition to the officers above mentioned, as many visitors as may be convenient shall be appointed for each prison by the Officer Commanding the district in which such prison is situated, provided that such visitors must be commissioned officers. Such visitors shall perform the duties hereinafter assigned to the visitors of prisons.

(*2*) In addition to the visitors so appointed, the medical officer for the time being in charge of the station hospital at any station in which a prison is situated shall be an *ex-officio* visitor of the prison.

8. From among the visitors so appointed one shall be detailed in rotation by the Officer Commanding to be the weekly visitor. But

[1] These Rules have not been published in the Gazette, but as Rule 116-A which was added to them was so published and is printed *supra*, p. 135, these rules are here reproduced as an appendix to this volume.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

nothing herein contained shall be deemed to restrict any visitor, not being the weekly visitor, from visiting and inspecting the prison at any time.

9. For the purpose of performing the duties imposed on a board of visitors as hereinafter provided three visitors shall constitute a board.

DUTIES OF OFFICERS.

Generally.

10. All officers of a prison shall obey the directions of the Officer Commanding and of the visitors.

11. No officer of a prison shall sell or let, nor shall any person in trust for, or employed by, him, sell or let, or derive any benefit from selling or letting, any article to a prisoner.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison, nor, except so far as he is specially permitted by the Officer Commanding, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison.

13. No officer of a prison shall at any time receive any money, fee or gratuity of any kind for the admission of any visitors to the prison or to prisoners, or from or on behalf of any prisoner, on any pretext whatever.

14. It shall be the duty of all officers to treat the prisoners with kindness and humanity, and to listen patiently to and report their complaints or grievances, being firm at the same time in maintaining order and discipline, and enforcing complete observance of the prison rules.

15. No officer shall have any pecuniary dealings whatsoever with any prisoner, or employ any prisoner on his private account, nor shall he correspond with or hold any intercourse with the friends or relatives of any prisoner, unless expressly authorised by proper authority; nor shall he make any unauthorised communications concerning the prison or prisoners to any person whatever.

16. All officers shall be careful not to allow any prisoner under their charge to be employed, directly or indirectly, for the private

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

benefit or advantage of any person or persons, or in any way not in conformity with the prison rules.

17. All officers will be held responsible for being fully acquainted with the rules and orders relating to their respective duties.

The Officer Commanding.

18. (*1*) The Officer Commanding shall, subject to the orders of the General Officer of the Command, in addition to the special duties hereinafter assigned to him, have the general management of the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(*2*) The Deputy Assistant Adjutant-General of the district, or the Station Staff Officer of the station, as the case may be, shall examine the accounts of the prison at the end of each month, and shall submit a statement of receipts and expenditure to the Officer Commanding, for countersignature and transmission to the Accounts Department for audit and payment.

(*3*) The Officer Commanding shall, by careful inspection of the reports, as well as by his own occasional visits, take care that the discipline of the prison is strictly maintained, while at the same time no prisoner is subjected to more severe punishment than he can bear without injury to his health.

The Visitors.

19. It shall be the duty of the visitors to exercise supervision over the conduct of the duties of the officers, to promote order and discipline throughout the establishment and to ensure that the officers exercise their authority over the prisoners in a proper manner.

20. Should any abuses in connection with the prison come to the knowledge of the visitors, or any of them, they shall take care that such abuses are reported immediately to the Officer Commanding, and in case of urgent necessity, they may suspend any subordinate officer of the prison until the decision of the proper authority is made known.

21. The following duties shall be performed by the weekly visitor: he shall visit the prison daily; at each visit he shall inspect the several yards, separate and punishment cell, and all other divisions of the prison, and see that the requirements of cleanliness, health and security are attended to; he shall inspect the journal and other books of

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

the prison, signing his initials at the last entry in the books he inspects; he shall hear all complaints and applications, and, privately, if asked to do so, shall immediately report to the Officer Commanding all such as appear to him urgent; he shall see each prisoner in separate confinement at least twice during his week of duty; he shall frequently inspect the prison rations, and see the prisoners at their meals; and, generally, he shall see that a proper management of the prison in all respects is being maintained.

22. In view of the fact that the prisoners are, in most cases, to return to the colours on release, and that they should be fit at once to resume their places in the ranks, the weekly visitor shall pay special attention not only to the discipline of such prisoners, but also to their bearing and personal appearance.

23. (*1*) The weekly visitor shall make a report to the Officer Commanding at the expiration of his week of duty; in which he shall certify that he has performed the duties detailed in rule 21.

(*2*) The visitor for the first week in each month shall also make a report of all buildings, property and stores of the prison that may require repair or renewal (including the prisoner's regimental clothing and necessaries referred to in rule 100). This report shall be dealt with by the Officer Commanding, so far as his powers of expenditure will allow; any other points being submitted for the orders of the General Officer of the Command.

24. The weekly visitor shall annex to his report submitted under rule 23 (*1*) a nominal list of the prisoners whose term of imprisonment will expire within the twenty-eight days following the expiration of his term of duty, specifying the day and hour in each case, in order that arrangements may be made for the removal of such prisoners, and if necessary, for the reception of other prisoners in the prison.

25. All subjects brought under the consideration of the weekly visitor or of a board of visitors, and the decisions thereon, if any, and, all visits and observations made by him or them, shall be entered in the visitors' minute book.

26. All orders given by the weekly visitor, by a board of visitors, or by any individual visitor, shall be entered in the visitors' order book.

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

Medical Officers.

27. (*1*) The medical officer shall visit the prison daily, and shall see every prisoner, including those (if any) confined in separate or punishment cells, on the occasion of each visit.

(*2*) If any of the prisoners are sick, he shall visit them as often as may be desirable, and, when necessary, shall direct prisoners to be removed to the hospital or other place provided under rule 129 for the reception of sick prisoners.

28 The medical officer shall enter, in the English language, day by day, in the diary of medical events to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet and any other treatment which he may order for such prisoner.

29. The medical officer shall inspect every prisoner on admission, as well as from time to time during term of confinement, so as to ascertain, as soon as possible, whether he has become diseased or ruptured, or has any trace of any disease or rupture.

30. (*1*) The medical officer shall see that no prisoner who is liable to epileptic fits is confined in a cell by himself.

(*2*) He shall cause any prisoner having, or suspected of having, infectious, contagious or epidemic disease, to be immediately separated from the other prisoners; and he shall cause the room or cell occupied by any such prisoner, as well as the infected bedding and clothing to be cleansed, disinfected and otherwise treated as laid down in Army Regulations, India, Volume VI.

(*3*) In the event of an outbreak of epidemic disease, he shall at once make a special report to the Officer Commanding.

31. The medical officer shall frequently inspect every part of the prison, and shall enter, in the diary of medical events, the result of such inspection, recording therein any observations he may think fit to make on (*a*) any want of cleanliness, drainage, warmth or ventilation; (*b*) any defect in the quality of the provisions; (*c*) any insufficiency of clothing or bedding; (*d*) any deficiency in the quantity, or defect in the quality, of the water; and (*e*) any other matter which may affect the health of the prisoners. He shall also record

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

periodically in the diary of medical events a report on the health of the chief warder and warders and their capability for performing their duties.

32. The medical officer shall from time to time examine the prisoners sentenced to hard labour, during the time of their being employed on such labour, and shall enter in the diary of medical events the name of any prisoner whose health he thinks to be endangered by a continuance at labour; and thereupon such prisoner shall not again be employed on such labour until the medical officer certifies that he is fit for such employment.

33. (*1*) Whenever the medical officer has reason to believe that the mind or body of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment in the prison, he shall report the case in writing to the weekly visitor, together with such directions as to the prisoner's diet, exercise or otherwise, as he may think proper to suggest.

(*2*) The medical officer shall call the attention of the chaplain to any prisoner who appears to require his special notice and to any prisoner whose life appears to be in danger.

(*3*) The weekly visitor may, on the recommendation of the medical officer, increase a prisoner's diet.

34. (*1*) The medical officer shall report to the Officer Commanding the case of any prisoner to whose case he may think it necessary on medical grounds to draw attention.

(*2*) Whenever the medical officer is of opinion that the life of any prisoner is endangered by his continuance in prison, he shall state such opinion and the grounds thereof in writing to the Officer Commanding, who shall duly report the circumstances to higher authority.

35. The medical officer may, in any case of danger or difficulty which appears to him to require additional medical assistance, call in such assistance; and no serious operation shall be performed without a prevfous consultation being held with another medical practitioner, except under circumstances not admitting of delay, sucb circumstances to be recorded in the diary of medical events.

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

36. When the medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, such test shall only be applied by authority of an order from the Officer Commanding.

37. The medical officer shall, immediately on the death of any prisoner, enter in the hospital admission and discharge book the following particulars, namely, when the deceased was taken ill; when the illness first came to the knowledge of the medical officer; the nature of the disease; when the prisoner died and (in cases where a *post mortem* examination is made) an account of the appearances after death, together with any special remarks that appear to him to be required.

38. All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions in relation to such matters as are carried into effect by the medical officer himself, or under his superintendence, shall be entered day by day in the diary of medical events which shall have a separate column in which entries are to be made by the chief warder stating, in respect of each direction, the fact of its having been or not having been complied with, accompanied by such observations, if any, as the chief warder may think fit to make, and the date of the entry.

Chaplains.

39. The Church of England chaplain shall, as frequently as possible, visit the prison for the purpose of the moral and religious instruction of all prisoners belonging to his church who are willing to receive it, and shall hold divine service at least once a week and on Christmas Day and Good Friday if possible, for all such persons as well as for such other persons in the prison as may desire to attend. The chaplain shall preach at the services he holds, whenever he finds it possible to do so. He shall, as far as possible, see and admonish the prisoners on admission and discharge; he shall also occasionally see each prisoner separately.

40. He shall administer the Holy Communion on suitable occasions to such prisoners as desire, and as he may deem to be in a proper frame of mind, to receive the same.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

He shall notify the times of the administration of the Holy Communion, and shall also notify that prisoners desiring to become communicants must signify their wish to him before the time appointed, in order that he may confer with them thereon.

41. (*1*) Prisoners shall attend Divine Service when such service is performed unless prevented by illness or other reasonable cause to be allowed by the chief warder, or unless their attendance is dispensed with by the visitors.

(*2*) Clause (*1*) of this rule shall not apply to any prisoner who is attended or visited by a minister of a church or persuasion differing from the Established Church; and no prisoner shall be compelled to attend any religious service held or performed, or any religious instruction given, by the chaplain, minister, or religious instructor of a church or persuasion to which the prisoner does not belong.

(*3*) Prisoners undergoing punishment, except those in close confinement, shall attend Divine Service, if held within the prison, unless they are specially excluded on account of their disorderly conduct or on medical grounds, or for other reasons.

(*4*) The chief warder shall regularly attend Divine Service in the prison, inserting in the journal of the prison any omission, and the cause thereof, and shall see that the subordinate officers also attend, unless prevented by illness, or excused by leave of absence or by prison rules.

42. Each prisoner who can read shall be furnished with a Bible and Prayer Book, such as is approved for the denomination to which he belongs.

43. The chaplain shall communicate to the Officer Commanding any abuse or impropriety in the prison which may come to his knowledge, and shall enter the same in the chaplain's book.

44. A prison minister shall be made acquainted with the names of all prisoners of his persuasion, and with such other particulars respecting them as may be necessary for the performance of his duties.

45. Each chaplain shall record his visits in the chaplain's book to be kept at the prison, stating the duties he has performed, and shall also enter in such book the time spent by him among the

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

prisoners, as well as any particulars which he may think important with reference to the character, disposition or progressive improvement of any prisoner under his care.

Chief Warder.

46. The chief warder shall reside in the prison, and shall not be concerned in any other employment :

Provided that when, in the opinion of the General Officer of the Command, it is impracticable or inconvenient to supply the chief warder with accommodation inside the prison, he shall reside in such other place as the Officer Commanding may direct.

47. The chief warder shall exercise his authority with firmness, temper and humanity. He shall enforce similar conduct on the subordinate officers.

48. (*1*) The chief warder shall conform strictly to the laws relating to military prisons and the prison rules for the time being in force, and shall be responsible for the due observance of them by others.

(*2*) He shall observe the conduct of the prison officers, and enforce on each of them the due execution of his duties and shall not permit any subordinate officer to be employed in any private capacity, either for any other officer of the prison or for any prisoner.

(*3*) He shall abstain from using irritating language or gestures towards any prisoner, and shall not strike any prisoner *unless compelled to do so in self-defence ; and, in any case in which the application of force to a prisoner is needful, no more force than is necessary shall be used.*

(*4*) He shall not converse with any prisoner, except on subjects connected with prison duty.

49. (*1*) The chief warder shall take care that every prisoner having a complaint to make or request to prefer to him has ample facilities for doing so, and shall redress grievances or take such steps in reference to them, as may seem necessary, recording the facts in the journal of the prison.

(*2*) He shall inform the visitors of any prisoner who desires to see them.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

50. The chief warder shall take care that the instructions for the guidance of the officers are read to each officer on joining, and once a quarter on parade.

51. The chief warder may, in case of misconduct, suspend any subordinate officer, but shall report the particulars without delay to the Officer Commanding.

52. The chief warder shall submit to the Officer Commanding half-yearly, a special report on the conduct and capabilities of his subordinates.

53. (*1*) The chief warder shall, in the said special report, particularly specify in regard to each officer whether he is zealous and attentive to his duties, and competent to the discharge of them.

(*2*) In case of repeated neglect or misconduct on the part of any officer, the chief warder shall make such representation thereon as may assist in deciding on the propriety of removing the officer from the establishment or otherwise.

54. (*1*) The chief warder shall, as far as practicable, once at least in every twenty-four hours, visit the whole of the prison, and see every prisoner and inspect the condition of the cells, bars, bolts, locks, walls, doors, drains, etc., and in default of such daily visits and inspections he shall state in the prison journal how far he has omitted them, and the cause of such omission.

(*2*) He shall, at least once during the week, go through the prison at an uncertain hour of the night, which visit, with the hour and the state of the prison at the time, he shall record in the prison journal.

(*3*) He shall see that every prisoner is visited during the day at intervals of not more than three hours by one of the warders appointed for the purpose.

55. (*1*) The chief warder shall cause the prison to be locked for the night and the keys of the outer gate to be delivered to him at nine o'clock each night, and he shall ascertain that the warders and guard are all present.

(*2*) No ingress or egress shall be allowed into or out of the prison between nine o'clock at night and the hour at which the prison is opened on the following morning, except to the chief warder and his family, the chaplain and the medical officer, and in special cases, which shall be entered in the journal of the prison.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

(3) Where the chief warder resides outside the prison under the direction of the Officer Commanding the duties imposed by this rule shall be performed by such officer of the prison as the Officer Commanding may appoint in this behalf.

56. The chief warder shall cause the usual abstract of rules (Prisons and Prisoners) (India Army Form T-602) relating to the treatment and conduct of prisoners, with a copy of the prison dietaries (Prisons and Prisoners) (India Army Forms T.-609 and T-608) to be posted in each cell and, within twenty-four hours after the admission of every prisoner who cannot read, shall read the same, or cause them to be read to such prisoner.

57. The chief warder shall without delay call the attention of the medical officer to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the medical officer respecting alterations of the discipline or treatment of such prisoner.

58. The chief warder shall take care that no prisoner is subjected to any punishment which the medical officer is not satisfied he is capable of undergoing.

59. The chief warder shall notify to the medical officer without delay the illness of any prisoner, and shall deliver to him, daily, a list of such prisoners as complain of illness or are removed to the hospital or confined to their cells by illness, and shall daily deliver to the chaplain and medical officer a list of the prisoners under punishment.

60. Upon the death of a prisoner, the chief warder shall give immediate notice thereof to the medical officer and the Officer Commanding, as well as, where practicable, to the nearest relative of the deceased.

61. The chief warder shall without delay report to the Officer Commanding any case of insanity or apparent insanity occurring among the prisoners.

62. (1) The following books shall be kept in the custody of the chief warder, namely :—

(*a*) *A journal of the prison*, in which shall be recorded all occurrences of importance, particularly such as relate to the health and discipline of the prisoners, to the visits by the weekly visitor, the medical officer and the chaplains and to the state of the prisoners generally as reported daily to the weekly visitor.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

The date of every visit made to the prison by the abovementioned officers shall be regularly entered, and every entry shall be signed with the name and be in the hand-writing of the officer.

(*b*) *A prison register*, in which shall be entered a nominal roll of the prisoners with the date of the admission of each, and his age, height, weight, features, particular marks and general appearance.

(*c*) *A cash book*, in which shall be entered all sums received and expended on account of the prison.

(*d*) *A ration book*, in which shall be entered the number of prisoners rationed each day and the exact quantity of each article provided.

(*e*) *A defaulter's book*, in which shall be entered all offences against prison discipline, the dates on which they were committed, and the punishment awarded to the offender.

(*f*) *A prisoner's property book*, in which shall be entered a detailed statement of the money or other effects received with a prisoner.

(*g*) *A diary of medical events.*

(*h*) *A chaplain's book.*

(*i*) *A visitor's minute book.*

(*j*) *A visitor's order book*, in which shall be entered respectively the various particulars by these rules prescribed.

(*k*) *A record* of the employment of prisoners sentenced to hard labour, and the manner in which they have been so employed.

(*l*) *Chief warder's order book* (*vide rule 66*) ; *and*

(*m*) *A hospital admission and discharge book.* (The medical officer shall make the entries in this book.)

(2) The chief warder shall make the entries in the books specified in clauses (*a*), (*b*), (*c*), (*d*), (*e*), [*offences* only], (*f*), (*k*) and (*l*); the entries in the other books shall be made by the officers concerned, the *punishments* awarded for offences against prison discipline

NATIONAL ARCHIVES OF INDIA

being entered in the defaulter's book (*e*) by prison visitors.

(*3*) The journal of the prison shall, once at least in each quarter of a year, be laid by the chief warder before the Officer Commanding, at such time as he may appoint, and shall be signed by him in proof of the same having been produced.

63. The chief warder shall be responsible for the safe custody of the books, mentioned in rule 62, and of all other prison books, or documents committed to his care.

64. (*1*) The chief warder shall not, except from unavoidable necessity, be absent from the prison for a night without permission in writing, from the Officer Commanding. Any leave of absence granted to him shall be entered in the prison journal. If absent without leave for a night from unavoidable necessity, he shall state the fact and the cause of it in the prison journal.

(*2*) Nothing in this rule shall apply to the case of a chief warder residing outside the prison under the direction of the Officer Commanding.

65. When the chief warder is absent from the prison on leave, the Officer Commanding shall appoint an officer of the prison to act as his substitute, and during such absence the substitute so appointed shall have all the powers and perform all the duties of the chief warder.

Subordinate Officers.

66. (*1*) All subordinate officers shall strictly conform to and obey the orders of the chief warder in every respect, and shall perform such duties as may, with the sanction of the Officer Commanding, be directed by the chief warder.

(*2*) The duties of subordinate officers shall be specified in a book to be kept by the chief warder.

(*3*) Subordinate officers shall assist the chief warder in maintaining order and discipline among the prisoners For this end punishment for prison offences must sometimes be resorted to upon their report; but good temper and good example on the part of the officers will have great influence in preventing the frequent recurrence of offences and the necessity for such punishments.

67. The names of the prisoners who desire to see the medical officer, or appear out of health, shall be reported by the officer attending them to the chief warder, and by him without delay to the medical officer.

68. Subordinate officers shall not be absent from the prison without leave from the chief warder, and before absenting themselves, they shall leave their keys and books in the chief warder's office.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes —*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

69. Subordinate officers shall not be permitted to receive any visitors within the prison without the leave of the chief warder.

70. No person shall be permitted to sleep in the apartments of any subordinate officer of the prison without permission from the chief warder, such permission to be reported to a visitor.

71. Any subordinate officer who, contrary to orders, brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out, to, or for any prisoner, any money, clothing, provisions, tobacco, letters, papers, or other articles whatsoever, shall forthwith be suspended from his office by the chief warder, who shall report the offence to the Officer Commanding.

72. Any subordinate officer may examine all articles carried into or out of the prison, and may stop any person suspected of bringing spirits or other prohibited articles into the prison, or carrying out any property belonging to the prison, giving immediate notice to the chief warder.

73. (*1*) No article, whether of food, bedding, clothing, or of any other kind, shall be received into the prison until it has been examined to ascertain that it contains nothing contrary to the rules of the prison.

(*2*) The admission of any article which appears likely to be used for an improper purpose may be refused by order of the chief warder.

74. All subordinate officers shall frequently examine the state of the cells, bedding, locks, bolts, walls, doors and drains, and shall seize all prohibited articles and deliver them at once to the chief warder.

75. (*1*) Subordinate officers shall abstain from using irritating language or gestures towards any prisoner, and they shall not strike any prisoner *unless compelled to do so in self-defence; and, in any case in which the application of force to a prisoner is needful, no more force than is necessary shall be used.*

(*2*) Warders shall be provided with, and allowed to carry, truncheons.

(*3*) Subordinate officers shall not converse with any prisoner, except on subjects connected with prison duty, *or allow any familiarity on the part of prisoners towards themselves or any other officer of the*

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

prison; nor shall they on any account speak of their duties, or of any matter of discipline or prison arrangement, within the hearing of the prisoners.

76. (*1*) Subordinate officers in charge of parties of classes of prisoners shall watch the prisoners in their various movements and employments throughout the day and during their meals, and shall use the utmost vigilance and alacrity to prevent communication by word or sign between prisoners (excepting where such communication may have been sanctioned under rule 106), and to prevent any but necessary communication with themselves. Special vigilance must be exercised in this respect by the subordinate officers on duty in the prison during the night; and the particulars of any infringement of silence or of decorum must forthwith be noted on a slate for exact report to the weekly visitor on the succeeding day.

(*2*) All conversation amongst subordinate officers while on duty is also prohibited, except where the illness of a prisoner or other exigency requires prompt communication.

77. Subordinate officers shall duly inform the chief warder of any prisoner who desires to see him, or to make any complaint, or to prefer any request to him or to any superior authority. Any neglect in carrying out this rule will be most severely dealt with.

78. It shall be the duty of every subordinate officer to direct the attention of the chief warder to any prisoner who may appear to him not in health, though he may not complain, or whose state of mind may appear to him deserving of special notice and care, in order that the opinion and instructions of the medical officer may be taken on the case.

79. Subordinate officers employed during the night must carefully attend to the lights, and carefully trim and keep them burning. They shall visit the whole of the interior of the prison, and look into all occupied cells, through the aperture provided for that purpose, at such intervals during the night as may be fixed by prison rules.

Admission and Discharge of prisoners.

80. (*1*) Before a prisoner is admitted into a military prison, the usual form of a committal in Army Form C 385, accompanied by Army Form C 355, shall be delivered to the chief warder, a separate form being required for each prisoner.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

(*2*) The original company defaulter sheet, together with the original medical history sheet of the prisoner, shall also be delivered to the chief warder.

(*3*) When a prisoner is unfit to undergo hard labour, all particulars of the cause of his unfitness, shall be stated by the medical officer signing the form of committal.

(*4*) The commanding officer of the prisoner's regiment shall furnish such further particulars in writing with reference to the prisoner's character as will, in his opinion, aid the system of prison classification.

81. (*1*) Prisoners shall be searched on admission and at such times subsequently as may be directed by proper authority, and all dangerous weapons, articles calculated to facilitate escape and prohibited articles, shall be taken from them.

(*2*) The searching of prisoners shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed article.

(*3*) A prisoner shall not be searched in the presence of another prisoner.

82. Every prisoner shall take a bath on admission, unless it be otherwise directed in any particular case by the chief warder or medical officer.

83. (*1*) If any prisoner is found to have any cutaneous disease, or to be infected with vermin, means shall be taken effectually to eradicate and destroy the same.

(*2*) In the event of a prisoner being received with his person or clothing infested with vermin, a report of the case shall be made forthwith to the General Officer Commanding the district in which the prison is situated.

84. A prisoner shall be weighed immediately after rising on the morning after his admission and at the same hour on the day before the expiration of his imprisonment, and the weights so taken shall be carefully recorded in the prison register.

85. Every prisoner shall, as soon as possible after admission, be separately examined by the medical officer, who shall enter in the

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

diary of medical events a record of the state of the prisoner's health and any observations which he may think fit to add, including any particular point of which he may become aware in regard to the prisoner's person which might assist in identifying him.

86. A "prisoner's property book" shall be kept, in which shal be made an entry (to be signed by the prisoner, and attested by the chief warder) of the clothes, money and other articles found upon the prisoner; which clothes, money and articles the chief warder shall take into his possession.

87. Such clothes and other articles shall, if necessary, be purified.

88. (*1*) Such clothes, money and other articles, and a copy of such entry, shall accompany a prisoner on his removal to another prison, or shall be delivered to him on his discharge, a receipt being taken for the same.

(*2*) Any other money that may be received for a prisoner shall be placed to his credit and similarly dealt with on his removal or discharge.

(*3*) On the discharge of a prisoner, the letters addressed to him while in custody shall be given up to him with his other property, unless the visitors approve of any being withheld on account of their contents.

89. A prisoner shall invariably be admitted into, and released from, prison after the regular dinner hour and before dark. When a sentence expires on a Sunday, Good Friday or Christmas Day, the prisoner shall be released on the day next preceding. The term of imprisonment shall be reckoned to commence on the day on which the original sentence is signed, and the day of the release of a prisoner shall be included in the term.

90. No prisoner shall be released before the termination of his imprisonment, except by written order from competent authority, delivered to the chief warder.

91. (*1*) Every prisoner, previously to being removed to any other prison, shall be examined by the medical officer, who shall report to the Officer Commanding whether such prisoner is free from illness rendering him unfit for removal.

(*2*) Every prisoner before being discharged shall be examined by the medical officer, who shall report to the Officer Commanding

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

whether such prisoner is labouring under any acute or dangerous distemper; and, if so whether, in the opinion of the medical officer, it is advisable, under the authority of the General Officer Commanding, to discharge him to a military hospital:

Provided that, if such prisoner consent, he may be kept for treatment in the prison.

92. On the discharge of a prisoner from prison, the medical officer shall complete his medical history sheet by an entry in his book, stating whether he is free from infectious or contagious disease.

93. Upon the return to his regiment or corps of any prisoner sentenced by court-martial, the Officer Commanding shall make a report of his conduct and character to his commanding officer.

94. Every prisoner shall, immediately before release, be paraded and inspected by the chief warder, to insure that he goes out clean and properly dressed.

Discipline of Prisoners.

95. In every prison there shall be provided so many separate cells and punishment cells as may be deemed necessary for the separate confinement and punishment of prisoners.

96. No separate cell or punishment cell shall be used for confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

97. Except as permitted by rule 106 prisoners shall be prevented from holding any communication with each other.

Food, Clothing, Bedding and other articles for use of Prisoners.

98. The scale of diet for prisoners shall be the scale contained in Schedule A hereto annexed.

99. (*1*) A prisoner who has any complaint to make regarding the diet furnished to him, or who wishes his diet to be weighed *or measured* to ascertain whether he is supplied with the authorised quantity, must make his request as soon as possible after the diet is handed to him, and it shall be weighed *or measured* in his presence and in that of the officer deputed for the purpose.

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

(*2*) Should, however, *repeated* complaints of a groundless nature be made by any prisoner under colour of this rule with the evident purpose of giving annoyance or trouble, it shall be treated as a breach of prison discipline, and the offender shall be liable to punishment accordingly.

(*3*) Scales and legal weights and measures shall be provided open to the use of any prisoner under such rules as may be necessary.

100 (*1*) Soldiers committed to military prisons shall take with them their undress uniform (including ankle-boots or shoes), great-coats or cloaks, helmets, and necessaries, for use while undergoing imprisonment.

(*2*) The following articles shall be supplied by the prison authorities and charged for in the prison accounts, namely,—

(*a*) Canvas suits, two per cell, *plus* 10 per cent. as a reserve, for the protection of uniform clothing when the prisoners are at work.

(*b*) Waistcoats or banians, flannel, six per cell, to admit of a change twice weekly ; and

(*c*) Waistcoats, serge, with long sleeves, one per cell, for issue during autumn and winter months at stations where climatic conditions require it.

(*3*) Undress clothing, boots, etc., the property of the State, shall, when time-expired, be replaced as laid down for soldiers on ordinary duty in Army Regulations, India, Volume XI, "Clothing," by the unit to which the man belongs. Such articles of necessaries as are worn out in prison shall be replaced at the public expense, the cost being debited to the prison accounts.

101. (*1*) A prisoner shall, during the whole of his sentence, when it does not exceed fourteen days, and during fourteen days of his sentence when it exceeds fourteen days, be required to sleep without a palliasse, unless the medical officer orders otherwise. He shall not be deprived of a palliasse for the rest of his sentence, except as a punishment.

(*2*) Each prisoner shall be supplied with a palliasse and pillow cases from the prison store.*

* Other requisites of bedding must be sent with the prisoner from his regiment.

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

(*3*) Each prisoner shall remove his bedding from the cell between morning and evening gun-fire.

102. (*1*) A small library of books calculated to impart secular and religious knowledge shall be allowed to each military prison. The library shall be under the care of the Church of England chaplain, who shall keep up the supply of books by purchase under local arrangements up to the amount allotted to the prison for the purpose. The allotment shall under no circumstances be exceeded. Selections shall ordinarily be made from the catalogue of books authorised for prisoners which has been supplied to each prison, but books not shown in the catalogue, also a few books in foreign languages, may be purchased, provided that they are of a useful and instructive kind.

(*2*) Bills, supported by the vendor's receipts, for the value of books purchased by the chaplain, shall be submitted to the Pay Examiner of the Command concerned.

(*3*) Ministers of other denominations who are deemed to be chaplains under these rules shall have access to the catalogue, and if any one of them makes objection to any book, it shall not be issued to any prisoner of his persuasion without the authority of the Officer Commanding.

CLASSIFICATION AND EMPLOYMENT OF PRISONERS.

103. Prisoners shall be divided into three classes, to be distinguished by badges attached to some conspicuous part of their dress indicating the 3rd, 2nd, and 1st class, respectively, and such division shall be made as follows :—

(*a*) A prisoner shall on reception be placed in the 3rd class, and shall remain in such class for one month.

(*b*) If the prisoner's conduct during the period referred to in clause (*a*) be good, he shall then be advanced to the 2nd class, in which class he shall remain for one month if the present is not the first occasion on which he has been committed to a military prison by award of a court-martial. In the case of a prisoner committed to a military prison for the first time by such an award, detention in the 2nd class will be for 15 days.

(*c*) If the prisoner's conduct continues to be good while in the 2nd class, he shall then be advanced to the 1st class.

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

(*d*) A prisoner after one month's uninterrupted good conduct in the 1st class may be recommended under rule 106 for minor indulgences.

(*e*) A prisoner who misconducts himself may be reduced, under rule 113 (*b*), to any lower class, or may, by order of a visitor, be deprived of his palliasse for a period not exceeding fourteen days.

(*f*) If a prisoner in either the 1st or the 2nd class is punished under rule 114, he shall immediately be reduced to the 3rd class.

(*g*) A prisoner may also be deprived of any indulgences which may have been granted him; after deprivation of any such indulgences he can regain them only by good conduct for one month, as required by clause (*d*).

(*h*) A prisoner reduced to a lower class may earn his advancement to a higher class by good conduct for one month, as allowed by clauses (*b*) and (*c*).

(*i*) All advancements to higher, or reductions to lower, classes, or grants or deprivations of indulgences, must be made by order of the Officer Commanding or of a visitor.

104. The conduct and classification of prisoners shall form the subject of daily report by the chief warder to the weekly visitor.

105. Hard labour shall consist of such work as the following, namely :—

Breaking stones.

Levelling sites, filling holes, and repairing and making drains.

Drawing water and pumping.

Repairing roads, digging and excavating.

Cleaning the prison buildings, etc.

Lighter kinds of labour, as mentioned in rule 106, shall consist of such work as the following, namely :—

Gardening.

Limewashing prison and out-houses.

Mending clothing and boots.

Washing clothing.

Cooking.

Keeping the store-room in order, and trimming lamps, etc.

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

Prisoners shall be employed at hard labour of a profitable nature whenever a military prison is furnished with means for so employing the prisoners.

106. (*1*) A prisoner of the 1st class may, after one month's uninterrupted good conduct in that class, be granted by the weekly visitor minor indulgences as a reward for good conduct and diligent observance of prison rules, such as employment in lighter kinds of labour, permission to grow his whiskers and moustache, and permission to converse during meals, or at such other time as may be sanctioned, with other prisoners who may have been granted a similar indulgence.

(*2*) A prisoner committed to a military prison for the first time by award of a court-martial may be granted similar minor indulgences immediately on his advancement to the 1st class.

107. No prisoner shall be employed in any position of trust, or in the discipline of the prison, or in the service of any officer thereof, or in the instruction of any other prisoner.

108. (*1*) The distribution of time in the prison shall be in accordance with a time-table to be fixed for each prison by the General Officer of the Command: provided that in no case shall the hours for hard labour be more than eight or less than five.

(*2*) On Sunday, Christmas Day, Good Friday, and General Fast or Thanksgiving days, the employment of a prisoner shall be confined to what is strictly necessary for the service of the prison.

(*3*) A prisoner who is a Jew shall not be compelled to labour on his Sabbath.

109. No task of labour shall be imposed on any day on which bread and water constitute the sole food supplied to a prisoner.

VISITS TO, AND CORRESPONDENCE WITH, PRISONERS.

110. (*1*) No prisoner shall be allowed to receive any visit except with the sanction of the weekly visitor or of the Officer Commanding.

(*2*) A prisoner may, at the expiration of three months from the day on which his imprisonment commenced (but not before), be permitted to write one letter and to receive one letter in each month under the same sanction. All such letters shall be read by the chief warder before despatch, or delivery to the prisoner. The chief warder is authorised to retain and to hand over on the first opportunity to any visitor any

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

letter to, or from, a prisoner, the contents of which render such action desirable. A visitor receiving such a letter shall deal with it as he may consider fit.

PRISON OFFENCES.

Offences by Prisoners.

111. (*1*) No punishment or privations of any kind shall be awarded to prisoners except by, or under the orders of, the Officer Commanding, the weekly visitor, or a board of visitors.

(*2*) No prisoner shall be punished until he has had an opportunity of hearing the charges and evidence against him, and of making his defence.

(*3*) Offences committed by military prisoners against prison officials should be disposed of under these rules.

(*4*) No soldier undergoing imprisonment in a military prison shall, without orders from the General Officer of the Command, be tried by court-martial for offences committed against prison discipline.

112. (*1*) The Officer Commanding or the weekly visitor may hear complaints respecting any of the following offences when committed by a prisoner, that is to say:—

(*a*) Disobedience of any prison rule;

(*b*) Disobedience of the directions of any prison officer;

(*c*) Common assaults upon another prisoner;

(*d*) Profane cursing or swearing;

(*e*) Indecent behaviour;

(*f*) Irreverent behaviour during divine service;

(*g*) Insulting or threatening language to any officer or prisoner;

(*h*) Idleness or negligence in work or at drill;

(*i*) Wilfully damaging prison property; and

(*j*) Wilful mismanagement of work.

(*2*) All the offences mentioned in clause (*1*) are hereby declared to be offences against prison discipline.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

113. The Officer Commanding or the weekly visitor may examine any person touching such offences, and determine thereupon and punish the offender by—

(*a*) admonition ;

(*b*) reduction from a higher to a lower class ;

(*c*) confinement in a punishment cell upon bread and water diet for any time not exceeding three days ; or

(*d*) by being placed at shot drill, No. 1 (Schedule B), for any period not exceeding seven days, with six-pound, twelve-pound, or eighteen-pound shot as may be ordered : provided—

(i) that the prisoner is not prevented on medical grounds from being put to such drill ;

(ii) that such drill is not enforced in the plains except during the cold season, which for this purpose shall be held to commence and terminate as the Officer Commanding may decide, after communication with the medical officer ; and

(iii) that such drill shall not exceed an hour's duration daily.

114. (*1*) When a prisoner is guilty of repeated offences against prison discipline, or is guilty of any offence against prison discipline, which the Officer Commanding or the weekly visitor is not by these rules empowered to punish, the Officer Commanding shall direct a board of visitors to assemble at the prison for the proper investigation of the case.

(*2*) The investigation shall be recorded in writing, and the examination of witnesses shall be upon oath or affirmation and in the presence of the prisoner, who shall be given the same opportunity of defence that is accorded to a prisoner tried by a court-martial.

(*3*) The board shall have power to punish such offender as follows, namely :—

(*a*) by being placed at shot drill, No. 4 (Schedule B), for any period not exceeding seven days, with six-pound, twelve-pound, or eighteen-pound shot as may be ordered : provided—

(i) that the prisoner is not prevented on medical grounds from being put to such drill ;

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

(ii) that such drill is not enforced in the plains except during the cold season, which for this purpose shall be held to commence and terminate as the Officer Commanding may decide, after communication with the medical officer; and

(iii) that such drill shall not exceed an hour's duration daily;

(*b*) by confinement in a punishment cell for any term not exceeding fourteen days, to be kept there on bread and water (the amount of bread to be one and a half pounds *per diem*); but, where this punishment diet is continued beyond three days, the ordinary scale of diet shall be given on the fourth day and every alternate day thereafter. This period of confinement shall be included in, and shall not be in excess of, the term of imprisonment; provided that when a prisoner is admitted to hospital while undergoing punishment on bread and water diet, or such diet is stopped under medical advice, the prisoner shall not be again put on this reduced diet to complete the original term for which the punishment was ordered; or,

(*c*) in the case of a prisoner under sentence of penal servitude, or convicted of felony, or sentenced to hard labour and guilty of any of the offences specified in the margin, by corporal punishment not exceeding *twenty-five* lashes, to be inflicted within the walls of the prison.

1. Mutiny or incitement to mutiny.
2 Gross personal violence to an officer or servant of the prison.

Note.—The cat to be used is to be strictly of the following description: length of wooden handle, 18 inches; number of cords, nine, of thin whipcord, each 24 inches long, with three knots upon each cord.

(*4*) Whenever corporal punishment is inflicted within the prison—

(i) the medical officer or some other officer of the medical staff, one of the visitors, and the chief warder must attend; and if during the execution of the sentence it appears to the medical officer that the prisoner is not in a fit state of health to undergo the remainder of the punishment, the whipping shall be finally stopped;

(ii) the medical officer shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the visitor to see that the orders are carried

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

into effect, and the visitor shall enter in the defaulters' book, the hour at which the punishment is inflicted, the number of lashes, and any orders which the medical officer may have given on the occasion.

115. (*1*) The particulars of any investigation conducted by the Officer Commanding, or the weekly visitor, or a board of visitors, together with the orders passed thereon, shall be entered in the visitors' minute book.

(*2*) In all cases where a board of visitors have sentenced a prisoner to corporal punishment, the sentence shall not be carried out until it has received the approval of the Officer Commanding. The original proceedings of the board, together with a certificate from the medical officer that the prisoner is in a fit state to undergo the punishment, shall be submitted to the Officer Commanding, who is empowered to remit or commute the sentence. A duplicate of the proceedings shall be entered in the visitors' minute book, and the original proceedings forwarded, for his information, to the General Officer Commanding the district, together with a report as to whether or not the sentence of corporal punishment was inflicted.

(*3*) All other awards of boards of visitors may be carried out without referring the proceedings for approval.

116. (*1*) In cases of urgent necessity, any prisoner may be directed to be kept in irons by the orders, in writing, of the Officer Commanding or of two visitors.

(*2*) Every such order shall specify the cause thereof and the time during which the prisoner is to be kept in irons.

(*3*) The irons on ordinary occasions shall be common handcuffs.

(*4*) In extreme cases of refractory conduct, leg-irons may be used with or without handcuffs ; but whenever this course is resorted to, an immediate report shall be made to the Deputy Adjutant-General for the information of the General Officer of the Command.

(*5*) No prisoner shall be put in irons or under any other mechanical restraint as a punishment. Irons or other means of mechanical restraint shall be used only when necessary for the purpose of restraining the prisoner.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

Offences by other persons.

1* * * * * * *

117. Every person who aids any prisoner in escaping or attempting to escape from any prison, or who, with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed into prison any mask, dress or other disguise, or any letter, or any other article or thing, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to two years.

118. Every person who brings, or attempts, by any means whatever, to bring into the prison any spirituous or fermented liquor, tobacco or opium, and every officer of a prison who suffers any spirituous or fermented liquor, tobacco or opium to be sold or used therein shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both :

Provided that nothing in this rule shall apply to any liquor, tobacco or opium which the Officer Commanding may have authorised to be brought into the prison, and which is for use, and is used, under the restrictions imposed by him under rule 127.

119. Every person who, otherwise than in conformity with these rules, conveys or attempts to convey any letter or other document, or any article whatever, not allowed by these rules, into or out of any prison, shall, on conviction before a Magistrate, be punishable with fine which may extend to one hundred rupees, and, if such person be an officer of the prison, shall forfeit his office and all arrears of salary due to him.

120. A notice setting forth the penalties incurred by any person committing any offence against rule 117, rule 118, or rule 119, shall be affixed in a conspicuous place outside the prison.

121. All offences under these rules made cognizable by a Magistrate shall be enquired into and tried according to the provisions of the Code of Criminal Procedure, 1898 : Provided that no Magistrate shall award any sentence in excess of his powers.

MISCELLANEOUS.

122. Natives of India shall not be allowed to enter the prison unless accompanied by a prison officer. No prisoner shall hold any communication with a native.

For Rule 116 A, *see* p. 135 *supra*.

NATIONAL ARCHIVES OF INDIA

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd*

Rules for the management and regulation of military prisons in India—*contd.*

123. Care shall be taken that no ladder, plank or implement of any kind likely to facilitate escape is left exposed at any time.

124. (*1*) A high degree of cleanliness must be enforced in the prison, both as respects the building and the persons, bedding and clothing of the prisoners.

(*2*) The prison officers shall cause the prisoners to wash themselves thoroughly at least once a day, and to change their underclothing daily in the hot weather and three times a week in the cold weather.

(*3*) Prisoners shall be required to bathe, have their hair cut, and to shave, as often as may be necessary for the maintenance of health and cleanliness. The hair of prisoners shall not be cut closer than may be necessary for this purpose. No prisoner shall be stripped or bathed in the presence of any other prisoner.

(*4*) Each prisoner shall keep his own cell, together with the utensils and furniture thereof, clean and in order; and shall, under the charge of a prison officer, during dry weather remove his bedding by day and expose it to the sun.

(*5*) Prisoners shall also clean and sweep the yards, pa sages and other parts of the prison as may be directed. s

125. (*1*) Tatties and watering establishments, or, if necessary, thermantidotes with establishments, in lieu thereof, may be provided for the prison during time of extreme heat, on the recommendation of the senior medical officer of the station, if concurred in by the Principal Medical Officer of the district.

(*2*) Similarly, punkhas with establishments may be provided in the absence of tatties or thermantidotes.

(*3*) In either case, a report shall be at once made to the Controller of Military Accounts of the Command by the Principal Medical Officer of the district.

126. Proper precautions against fire shall be taken in every prison.

127. (*1*) The use by a prisoner of tobacco or opium in any form, as well as of spirituous or other liquors, is prohibited.

(*2*) The use of such articles within the prison walls by any officer of the prison is also prohibited, except under such restrictions as to time and place as the Officer Commanding may impose.

128. (*1*) In the event of any article belonging to the prison being lost, or wilfully or through carelessness damaged, by a prisoner, or in the event of any damage being committed by a prisoner to his cell, or furniture or to any part of the prison, the amount of such loss or

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

damage shall be paid by the Officer Commanding his battery, troop or company, after recovery of such amount from the prisoner on his return to his corps by stoppage from his pay; or, if there should be in the possession of the chief warder any money belonging to the prisoner, the whole, or so much of it as may be required, shall be applied to making good such loss or damage, the deficiency only being paid by *the Officer Commanding his battery troop, or company.*

(2) A list of the articles so lost or damaged shall be forwarded to the Examiner of Accounts concerned of the Command affected, and a duplicate of such list shall be forwarded to the paymaster of the corps to which the prisoner belongs, or in the case of an artilleryman, to the Officer Commanding the battery.

129. A hospital or other proper place for the reception of sick prisoners shall be provided in every prison, or, when this is found impracticable or inconvenient, in some place outside the prison which has been set aside for the purpose and declared by the Governor General in Council to be a part of the prison.

130. Convicts under sentence of penal servitude who are confined in a military prison shall, pending their removal to the United Kingdom, be treated, while so confined, as if they were under sentence of imprisonment, with hard labour, with the exception that they shall remain in the 3rd class during the whole period of such confinement.

131. Convicts under sentence of penal servitude who are confiued in a military prison shall be, as far as possible, kept separate from soldiers sentenced to imprisonment.

132. So far as may be practicable with regard to the prison accommodation and the circumstances of the case, soldiers convicted of breaches of discipline only shall be kept separate and distinct from prisoners convicted of offences of an immoral, dishonest, shameful or criminal character.

133. On convicts leaving a military prison *en route* to the port of embarkation, all bedding that may have been sent with them from their corps shall be sold, and the proceeds placed to credit of the Government, and each convict shall be supplied with the following kit, the cost of which shall be defrayed by the Government, namely :—

1 pilot coat.	1 straw hat.	1 tin pot.
1 pair of cloth trousers.	3 check shirts.	1 spoon.
2 pairs of flannel drawers.	2 pairs of socks.	1 pillow.
2 flannel banians.	2 country blankets.	2 towels.
1 duck frock.	1 canvas bag.	2 balls soap (or one seer).
2 pairs of duck trousers.	6 balls of thread.	1 cotton necket.
2 pairs of boots (lace ammunition universal pattern.)	1 dozen needles.	1 comb.
	1 tin plate.	

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

134. (*1*) Prisoners under sentence of discharge with ignominy, not being convicts, and prisoners who are under orders for discharge as incorrigible and worthless, or for misconduct, and whose discharge is not to be carried out in India, shall be supplied with the following military kit before leaving for the port of embarkation :—

One suit of cloth, serge or tartan clothing (the serge or tartan frock to be lined).

Two suits of khaki.
One cardigan jacket.
Helmet (without ornaments).
One cap.
Two pairs of boots or shoes.
One condemned great-coat, or cloak with cape.
Two pairs of socks.
Two shirts.
Two towels.
Two pairs of flannel drawers, * if not issued with cloth trousers or cloth pantaloons.

(*2*) The said articles are, as far as practicable, to be partworn (with the exception of the flannel drawers, which should be new in all cases), but in sufficiently good order to last during the journey to the port of embarkation and the subsequent voyage to England.

(*3*) They shall be provided, as far as possible, from regimental stores by the Officer Commanding the man's unit, the remainder being purchased and charged for on contingent bill accompanied by a copy of the man's last ledger account and by a certificate that the articles were not available in public stores, and that they were purchased at the lowest rates possible.

(*4*) The great-coat shall not be taken from the man on disembarkation.

(*5*) Prisoners will be provided with a suit of plain clothes by the home authorities on being finally discharged in England.

135. In these rules the words "Command" and "General Officer of the Command" shall have the same meanings respectively as they have in the Indian Articles of War, and "Deputy Adjutant-General"

(These must be specially demanded from the Superintendent, Army Clothing Madras, in all cases except those of prisoners sailing direct from Calcutta, when they will be demanded from the Superintendent, Army Clothing, Bengal. They shall be specially issued at the port of embarkation under the arrangements governing their distribution to troops generally.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

shall mean, as regards military prisons in a Command, the Deputy Adjutant-General of the Command.

SCHEDULE A.

(RULE 98).

SCALE OF DIET.

For prisoners undergoing sentences exceeding 42 days' imprisonment with hard labour.

Articles.	Sunday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Total.	Daily average.
Bread . . . . ozs.	24	24	24	24	24	24	24	168	24
Cheese . . . . „	...	...	2	2	...	...	2	6	$\frac{6}{7}$
Cocoa . . . . „	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	...	3	$\frac{1}{2}$
Flour . . . . „	8	$\frac{1}{4}$	...	...	$\frac{1}{4}$	$\frac{1}{2}$	...	$8\frac{3}{4}$	$1\frac{1}{4}$
Beef without bone . . „	...	8	8	...	8	8	8	40	$5\frac{5}{7}$
Ox-tail . . . . „	...	...	...	8	...	...	...	8	$1\frac{1}{7}$
Milk . . . . „	2	2	2	2	2	2	2	14	2
Oatmeal . . . . „	3	3	3	3	3	3	3	21	3
Dhall . . . . „	...	...	2	4	...	...	2	8	$1\frac{1}{7}$
Potatoes . . . „	16	16	16	16	16	16	16	112	16
Salt . . . . „	$\frac{1}{2}$	$\frac{1}{2}$	...	$\frac{1}{2}$	$\frac{1}{2}$	...	$\frac{1}{2}$	$3\frac{1}{2}$	$\frac{1}{2}$
Sugar . . . . „	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	...	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$5\frac{1}{4}$	$\frac{3}{4}$
Suet . . . . „	$1\frac{1}{2}$	...	...	...	...	...	...	$1\frac{1}{2}$	$\frac{3}{14}$
Vegetables (onions, etc). „	4	4	4	4	4	4	4	28	4

(*a*) Firewood for cooking the prisoners' ration will be supplied by the Supply and Transport Corps in the proportion of 3 lbs. per man per diem. Where six or more prisoners are confined in any prison, a reduction of 1 lb. per man will be made on days on which no meat ration is issued. No firewood for cooking purposes will be issued where a stove has been constructed and coal is issued.

(*b*) The daily ration will be distributed so as to allow the prisoners to get an early breakfast before going to hard labour.

(*c*) Prisoners undergoing *sentences* not exceeding 42 days' imprisonment will be dieted on the scale laid down in I. A. Form 67.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

APPENDIX—*contd.*

THE ARMY ACT (44 & 45 VICT., C. 58)—*contd.*

Rules for the management and regulation of military prisons in India—*contd.*

SCHEDULE B.

[RULES 113 (*d*) AND 114 (3) (*a*).]

Rules for shot-exercise.

1. The accompanying diagrams Nos. 1 and 4, with explanations, show the exercises to be adopted.

The disposition of the shot for exercise will depend on the shape of the ground and the number of men to be exercised.

2. As a general rule there should be an interval of from four to six paces between each in order to prevent prisoners communicating with each other when at exercise. If, however, the space be too limited to allow of such an interval, a distance of one pace should be maintained.

3. If a prisoner falls out for any purpose during shot-exercise, he shall be required to make up the time by remaining ten minutes after the class is dismissed for every such occasion, unless it is certified by the medical officer that the state of the prisoner's health rendered it unavoidable.

4. In lifting shot the man should keep his heels pretty close together, the body being thrown well over the shot and the weight brought up to the level of the hips, close to the person. So long as this is done, the whole effort is made by the muscles of the loins, back, shoulders, and arms, and none is required from the muscles of the abdomen; but if the legs be allowed to be separated and the shot be lifted off from the body, the whole effort then comes from the muscles of the belly, and by their contraction, as well as that of the diaphragm, the disposition to rupture is excited.

5. It must be clearly understood that all prisoners are to be carefully examined by a medical officer, and every possible precaution taken that no man having a tendency or predisposition to rupture, or other ailment which would cause shot-drill to be injurious, shall on any account be subjected to that exercise.

Explanation of Diagram and Exercise No. 1.

A is a long narrow pile of shot which are to be transferred to B where there is a frame to receive them. Besides the shot in the pile,

NATIONAL ARCHIVES OF INDIA

a single shot is placed on the ground, or in a small frame,* at the points 2, 3, 4, 5, 6. The prisoners are arranged, as shown, facing outwards. On a given word, the two lines glance their eyes to A to take the time; when No. 1 makes the signal by holding up his hand, the whole stoop quickly, each man takes up the shot in front of him, moving briskly, towards the pile B, till he comes to the spot quitted by the man who was next to him; he then halts. No. 6 of each line thus halts at B, and gives the signal, on which the whole place their shot in the boxes, or on the ground in front of them, after which they come to the position of Attention. Taking the time from No. 6, they then march back to their original positions, ready to lift another shot on a signal, from No. 1 and so on. Thus No. 1 takes the shot to where No. 2 stood, whilst No. 2 is taking one to No. 3, each returning empty-handed to his original position.

In this manner the whole pile at A is removed, and when the last shot of the pile is placed at No. 2, the exercise is reversed and the pile is transferred back from B to A.

Explanation of Diagram and Exercise No. 4.

The shot may be placed in two lines, or in the form of a rectangle, at equal distances of from four to six or eight paces apart, and the men fall in, each a shot in front of him.† On a given word or signal, each man lifts his shot, and facing as may be ordered, moves smartly to the spot which the man next to him quitted; there he halts, sets down the shot by signal, and comes up to the position of Attention after it.

On the word or signal being given, he again lifts the shot and moves to the next place, and so on.

NOTE.—It will be observed that this exercise is more laborious than the others, from the men always carrying a shot when they move. It will, therefore, only be enforced in the military prisons under peculiar circumstances, such as the commission of grave or repeated misconduct by a prisoner; the circumstances to be noticed in the journal of the prison.

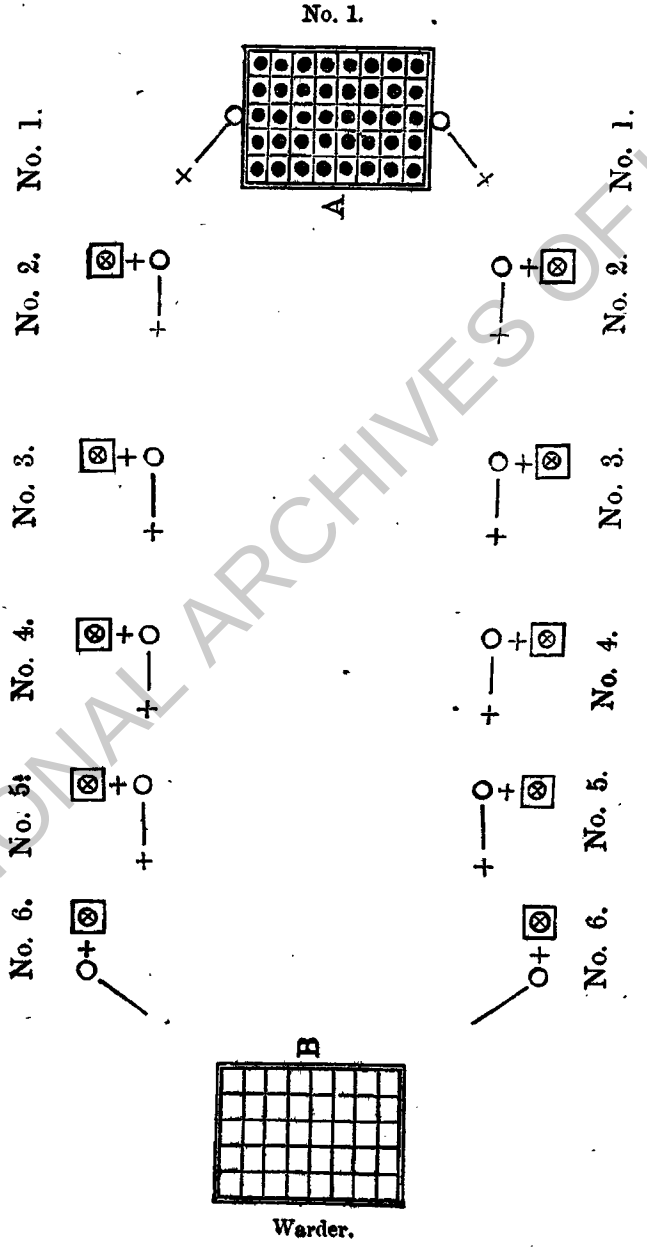
* Three shots, partly sunk in the ground, form a good temporary bed for receiving the shot.

† Or the shots may be placed round the four sides of a square, or in a circle if more convenient.

NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*contd.*

Diagrams for Shot-exercise.

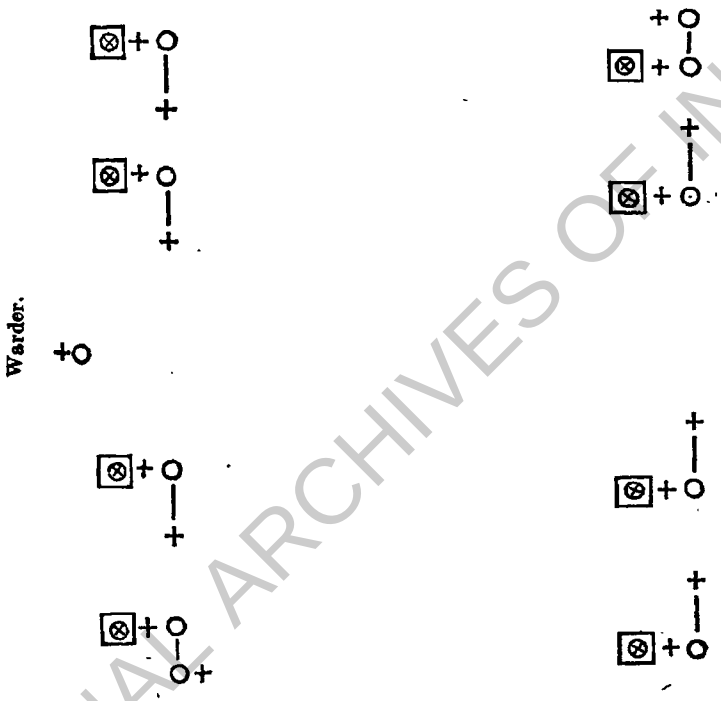


NATIONAL ARCHIVES OF INDIA

Part I.—General Rules, Proclamations and Notifications made under General Statutes—*concld.*

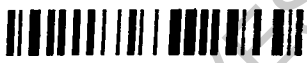
Diagrams for Shot-exercise.

No. 4.



NATIONAL ARCHIVES OF INDIA

G. I. C. P. O. No. 67 L. D.—7-8-1907—4,500—R. S. W.



NATIONAL ARCHIVES OF INDIA

NATIONAL ARCHIVES OF INDIA

349.54
Ind/Gen

Vol. I
103948

India. Law and
Statutes etc.
General rules &
orders made under enactments
force in British India. 1907

NATIONAL ARCHIVES OF INDIA

(NSDL)

NATIONAL ARCHIVES OF INDIA

Digitized with financial assistance from

on 16 November, 2018